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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE MEETING)
_____)

DATE AND TIME: WEDNESDAY,
AUGUST 6, 1997 11:05 A.M.

PLACE: BOARD
HEARING ROOM 8800 CAL
 CENTER
 DRIVE
 SACRAMENTO,
 CALIFORNIA

REPORTER: BETH C.
DRAIN, RPR, CSR CERTIFICATE

NO. 7152

BRS FILE NO.: 41081B

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; WEDNESDAY, AUGUST 6, 1997

2 11:05 A.M.

3

4 CHAIRMAN FRAZEE: MEETING WILL COME TO
5 ORDER, PLEASE. THIS IS THE AUGUST 6TH MEETING OF
6 THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.
8 SECRETARY WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: HERE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE
15 PRESENT.

16 DO WE HAVE ANY EX PARTE
17 COMMUNICATIONS?

18 MEMBER RELIS: MR. CHAIR, OTHER THAN I
19 BELIEVE THERE HAVE BEEN SEVERAL LETTERS THAT HAVE
20 ARRIVED AND ONE THIS MORNING, AND WE HAD ONE FROM
21 BIOGROW, I BELIEVE.

22 CHAIRMAN FRAZEE: YES.

23 MEMBER RELIS: WE HAVE ALL THE SAME
24 LETTERS.

25 CHAIRMAN FRAZEE: THE FIRST LETTER IS ONE

1 FROM THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
2 REGARDING ITEM 7 AND ONE FROM BIOGROW, DIVISION OF
3 WMX TECHNOLOGIES, REGARDING ITEM 8.

4 MEMBER JONES: I DON'T HAVE ANY. MINE
5 WERE UP TO SPEED AT THE BOARD MEETING.

6 CHAIRMAN FRAZEE: NOW, FOR PURPOSES OF
7 GETTING OUR AGENDA IN ORDER, FIRST OF ALL, ITEMS 5
8 AND 6 HAVE BEEN PULLED FROM TODAY'S AGENDA. AND
9 THEN WE ARE GOING TO VARY THE ORDER OF TAKING UP
10 ITEMS A BIT AND HOPEFULLY DO ITEMS 7 AND 9 AND
11 THEN TAKE A LUNCH BREAK IF THAT WORKS OUT WELL
12 WITH EVERYONE.

13 AND AS A REMINDER, AND IT LOOKS LIKE
14 MOST PEOPLE HAVE COMPLIED ALREADY. IF YOU WISH TO
15 SPEAK ON AN ITEM BEFORE TODAY'S MEETING, THERE ARE
16 SPEAKER SLIPS IN THE BACK OF THE ROOM. IF YOU
17 WOULD FILL OUT ONE OF THOSE INDICATING THE ITEM
18 THAT YOU WISH TO ADDRESS AND BRING IT FORWARD TO
19 THE COMMITTEE SECRETARY, WE'LL CALL UPON YOU AT
20 THE APPROPRIATE TIME.

21 NOW, LET'S GO TO ITEM 7. THIS IS
22 THE CONSIDERATION OF NEW SITES FOR THE SOLID WASTE
23 DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM.

24 MS. RICE: THANK YOU, MR. CHAIRMAN.
25 MARGE ROUGH WILL INTRODUCE THE ITEM.

1 MS. ROUCH: ACTUALLY I'M GOING TO
2 INTRODUCE WES MINDERMAN, WHO WILL BE GIVING THE
3 ITEM.

4 MR. MINDERMAN: GOOD MORNING, MR.
5 CHAIRMAN AND MEMBERS OF THE COMMITTEE. AGENDA
6 ITEM 7 BEFORE YOU THIS MORNING IS FOR
7 CONSIDERATION OF FUNDING REMEDIATIONS AT THE
8 FOLLOWING SITES UNDER THE SOLID WASTE DISPOSAL AND
9 CODISPOSAL SITE CLEANUP PROGRAM: THE OLD DUNNIGAN
10 LANDFILL IN YOLO COUNTY, THE MORRO BAY BURN DUMP
11 IN SAN LUIS OBISPO COUNTY, AND THE SKYLINE RIDGE
12 ILLEGAL DISPOSAL SITE IN SAN MATEO COUNTY.

13 TO GIVE YOU A BRIEF PROGRAM SUMMARY,
14 THE BOARD HAS APPROVED A TOTAL OF 61 SITES FOR
15 REMEDIATION UNDER THE SOLID WASTE DISPOSAL AND
16 CODISPOSAL SITE CLEANUP PROGRAM. FORTY-FIVE SITES
17 HAVE BEEN COMPLETED TO DATE WITH 13 SITES
18 CURRENTLY BEING WORKED ON. THREE SITES HAVE BEEN
19 REMOVED FROM CONSIDERATION.

20 ALL THREE SITES PRESENTED FOR YOUR
21 CONSIDERATION ARE PROPOSED BOARD-MANAGED CLEANUPS
22 UTILIZING THE BOARD'S CONTRACTORS. INFORMATION
23 REGARDING THE SITES, PROPOSED METHOD OF
24 REMEDIATIONS, AND ESTIMATED COSTS ARE INCLUDED
IN
25 THE AGENDA ITEM. IF APPROVED, TWO OF THE SITES,

1 THE OLD DUNNIGAN LANDFILL AND THE MORRO BAY BURN
2 DUMP, ARE THE FIRST PROJECTS TO BE CONDUCTED IN
3 YOLO COUNTY AND SAN LUIS OBISPO COUNTY
4 RESPECTIVELY.

5 PRIOR TO BRINGING THESE SITES FOR
6 FUNDING APPROVAL, STAFF HAVE INVESTIGATED THESE
7 SITES AND DETERMINED THAT THEY ARE ELIGIBLE FOR
8 FUNDING UNDER THE SOLID WASTE DISPOSAL AND
9 CODISPOSAL SITE CLEANUP PROGRAM. STAFF RECOMMEND
10 THE BOARD APPROVE THE FUNDING FOR THE BOARD-
11 MANAGED REMEDIATION OF THE THREE PROPOSED SITES.

12 THAT CONCLUDES MY PRESENTATION. I
13 HAVE MR. TOM MOORE OF THE YOLO COUNTY PUBLIC WORKS
14 DEPARTMENT WHO'D LIKE TO SPEAK IN SUPPORT OF THE
15 OLD DUNNIGAN LANDFILL PROJECT. MR. GREG SHIRLEY
16 OF THE SAN MATEO COUNTY LEA'S OFFICE TO SPEAK ON
17 THE SKYLINE RIDGE ILLEGAL DISPOSAL SITE PROJECT,
18 AND MR. RANDY ANDERSON OF THE MIDPENINSULA
19 REGIONAL OPEN SPACE DISTRICT TO SPEAK IN SUPPORT
20 OF THE SKYLINE RIDGE ILLEGAL DISPOSAL SITE PROJECT
21 ALSO.

22 CHAIRMAN FRAZEE: OKAY. FINE. MR.
23 MOORE, REPRESENTING YOLO COUNTY.

24 MR. MOORE: THANK YOU, MR. CHAIRMAN,
25 MEMBERS OF THE BOARD. I APPRECIATE THE

1 OPPORTUNITY TO BE HERE TODAY TO EXPRESS YOLO
2 COUNTY'S APPRECIATION FOR CONSIDERATION OF THIS
3 FUNDING TO CLEAN UP THE OLD DUNNIGAN LANDFILL
4 LOCATED ON BUCKEYE CREEK NEAR THE COUNTY LINE WITH
5 COLUSA ON COUNTY ROAD 2.

6 THIS IS A CREEK THAT HAS A HIGH
7 SEDIMENTATION RATE AND HIGH RATES OF EROSION, AND
8 THE RECENT HEAVY RAINS OF '93 AND '95 AND ALSO
9 THIS YEAR HAVE PROGRESSIVELY EXPOSED WASTE FROM
10 THE OLD BURN DUMP. THE BURN DUMP OPERATED FROM
11 THE '40S TO THE MID-'70S; AND WITH WASTE EXPOSED,
12 WE HAVE AN UNHAPPY ENVIRONMENTAL SITUATION THAT WE
13 WOULD LIKE VERY MUCH TO FIX. AND WE APPRECIATE
14 THE WORK OF YOUR STAFF IN COORDINATING THIS
15 EFFORT.

16 AND YOLO COUNTY HAS CONTRIBUTED TO
17 THE EFFORT AS WELL BY SURVEYING THE SITE, BY DOING
18 HISTORICAL RESEARCH ON AVAILABLE INFORMATION FOR
19 THE SITE, INCLUDING THE TYPE OF INFORMATION THAT
20 WILL BE NEEDED TO DESIGN CREEK BANK RESTORATION.
21 THE PROJECT BEFORE YOU INCORPORATES THE USE OF A
22 CONSULTANT, WHO IS AN EXPERT IN BIOENGINEERING FOR
23 CREEK BANK RESTORATION, THAT WILL USE A
24 COMBINATION OF MECHANICAL AND PLANTING
25 STABILIZATION OF THE CREEK BANK.

1 I WANTED TO ALSO MENTION THAT THE
2 COUNTY WILL BE ASSISTING WITH SOME OF THE
3 ENGINEERING AND WITH THE FREE DISPOSAL OF ANY OF
4 THE WASTE GENERATED FROM THE CLEANUP THAT CAN BE
5 MOVED OFF SITE.

6 I'D LIKE ALSO TO TAKE THIS
7 OPPORTUNITY TO THANK THE INTEGRATED WASTE
8 MANAGEMENT BOARD FOR THEIR SUPPORT ON OTHER
9 PROJECTS AT YOLO COUNTY, SPECIFICALLY FUNDING FOR
10 RESEARCH ON THE USE OF SHREDDED TIRES FOR LANDFILL
11 GAS COLLECTION. TODAY AT 1 P.M. THE PROJECT
12 FUNDED BY THE WASTE BOARD AT YOLO COUNTY WHERE WE
13 USE SHREDDED TIRES TO TEST HOW EFFECTIVE IT IS IN
14 LANDFILL GAS COLLECTION, IN CONJUNCTION WITH THE
15 LEACHATE RECIRCULATION PROJECT, WILL BE SHOWCASED
16 BEFORE THE NATION'S SOLID WASTE PROFESSIONALS.

17 AS YOU KNOW, THE SOLID WASTE
18 ASSOCIATION OF NORTH AMERICA IS IN SESSION AT THE
19 HYATT TODAY. THE FEATURED TOUR FOR THAT
20 CONFERENCE WILL BE THE YOLO COUNTY CENTRAL
21 LANDFILL BIOREACTOR. AND INCLUDED IN THAT IS THE
22 COMPARISON OF THE USE OF SHREDDED TIRES VERSUS
23 TRADITIONAL GRAVEL LANDFILL GAS COLLECTION WELLS.
24 AND AGAIN, WE APPRECIATE THE WASTE BOARD'S SUPPORT
25 OF THAT PROJECT AND THE WASTE BOARD'S WORK IN

1 CONJUNCTION WITH YOLO COUNTY WILL BE DISPLAYED
2 BEFORE ALL THIS AFTERNOON, SO IT WILL BE A
3 LANDMARK DAY FOR US.

4 CHAIRMAN FRAZEE: GOOD. THANK YOU. NOW,
5 SOMEONE REPRESENTING THE MIDPENINSULA OPEN SPACE
6 DISTRICT THAT I DIDN'T GET A SLIP FROM, I HAVE
7 RANDY ANDERSON, BUT THERE WAS ANOTHER NAME I
8 MISSED.

9 MR. SCHIRLE: MEMBERS OF THE COMMITTEE,
10 MY NAME IS GREG SCHIRLE. I'M WITH SAN MATEO
11 COUNTY LEA PROGRAM. AND I'D LIKE TO THANK YOU AND
12 YOUR STAFF FOR CONSIDERATION OF THE SKYLINE RIDGE
13 PROJECT. AND I HAVE MR. RANDY ANDERSON HERE
14 TODAY. HE'S REPRESENTING THE MIDPENINSULA OPEN
15 SPACE DISTRICT AND WILL BE HAPPY TO ANSWER ANY OF
16 YOUR QUESTIONS.

17 CHAIRMAN FRAZEE: MR. ANDERSON. I DON'T
18 KNOW THAT WE HAVE ANY, DO WE, AT THIS POINT?

19 MEMBER JONES: I THINK THE LETTER KIND OF
20 ANSWERED.

21 MR. ANDERSON: YEAH. WE PROVIDED A
22 LETTER FROM THE GENERAL MANAGER. BE HAPPY TO
23 RESPOND TO ANY QUESTIONS OR PROVIDE ANY
24 CLARIFICATION.

25 CHAIRMAN FRAZEE: I THINK THE LETTER

1 RESOLVED THE OUTSTANDING ISSUE THAT WE HAD. OKAY.

2 THANK YOU.

3 LET'S SEE. THAT COMPLETES THE LIST
4 OF THOSE WISHING TO SPEAK. ANY DISCUSSION; OR,
5 IF, NOT, A MOTION IS IN ORDER.

6 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
7 MOTION THAT WE ADOPT RESOLUTION 97-445.

8 MEMBER RELIS: SECOND.

9 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
10 SECOND TO APPROVE THE CLEANUP OF SITES UNDER THE
11 SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP
12 PROGRAM. SECRETARY WILL CALL THE ROLL ON THAT,
13 PLEASE.

14 THE SECRETARY: BOARD MEMBER RELIS.

15 MEMBER RELIS: AYE.

16 THE SECRETARY: BOARD MEMBER JONES.

17 MEMBER JONES: AYE.

18 THE SECRETARY: CHAIRMAN FRAZEE.

19 CHAIRMAN PENNINGTON: AYE. MOTION IS
20 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND
21 CONSENT ON THAT ITEM. THANK YOU.

22 NOW LET'S GO TO ITEM 9. THIS IS
23 INFORMATION ON AND DISCUSSION OF TITLE 27 SOLID
24 WASTE FACILITY PERMITTING PROCESS.

25 MS. RICE: THANK YOU, MR. CHAIRMAN.

1 GEORGIANNE TURNER AND SUZANNE HAMBLETON WILL MAKE
2 A PRESENTATION.

3 MS. TURNER: GOOD MORNING, CHAIRMAN AND
4 COMMITTEE MEMBERS. I'M GEORGIANNE TURNER OF THE
5 P&E DIVISION. AND THIS ITEM NO. 9 IS AN
6 INFORMATIONAL ITEM ON THE PERMITTING PROCESS AFTER
7 THE ADOPTION OF TITLE 27.

8 AS YOU KNOW, WE BROUGHT THIS ITEM TO
9 THE COMMITTEE LAST MONTH IN ORDER TO PROVIDE
10 INFORMATION ON HOW THE PERMITTING REGULATIONS HAVE
11 BEEN STREAMLINED TO MEET THE MANDATE OF THE SOLID
12 WASTE DISPOSAL REFORM ACT.

13 IF YOU RECALL, BASICALLY I OUTLINED
14 THE HIGHLIGHTS OF THE CHANGES IN THE REGULATIONS,
15 ONE BEING THAT THE LEA'S WILL NOW BE CERTIFYING
16 THE APPLICATION PACKAGES, THAT THEY ARE COMPLETE
17 AND CORRECT, AND THAT RFI ELEMENTS ARE ALL IN THE
18 PACKAGE.

19 THE COMPLETE AND CORRECT
20 DETERMINATION, THERE ARE TWO DISTINCT ACTIVITIES.
21 THERE'S A COMPLETENESS DETERMINATION WHICH
22 BASICALLY SAYS ALL THE ELEMENTS ARE IN THE
23 PACKAGE, AND THEN THERE'S A CORRECTNESS
24 DETERMINATION, WHICH IS A LITTLE BIT MORE
25 DETAILED. IT BASICALLY -- THE DETERMINATION THAT

1 THE LEA MAKES IS THAT THE PACKAGE HAS ENOUGH
2 DETAILED INFORMATION TO MAKE A THOROUGH EVALUATION
3 OF THE ENVIRONMENTAL EFFECTS OF THE FACILITY AND
4 THAT THE FACILITY HAS THE CAPABILITIES OF MEETING
5 STATE MINIMUM STANDARDS, AND THAT ALL THE
6 INFORMATION IN THAT PACKAGE IS EXACT AND ACCURATE.

7 THE LEA'S ALSO WILL BE CERTIFYING
8 THAT THE CEQA DOCUMENTATION IS CONSISTENT AND
9 SUPPORTS THE PROPOSED PERMIT THAT YOU WOULD BE
10 ACTING ON. CONSEQUENTLY, THE BOARD STAFF REVIEW
11 WILL BE MINIMIZED TO LOOK, MAKE SURE THAT ALL THE
12 CERTIFICATIONS ARE IN THE PACKAGE, ALL THE
13 ELEMENTS OF THE APPLICATION PACKAGE AND RFI ARE
14 COMPLETE, AND THAT THE PROJECT DESCRIPTIONS OF THE
15 PERMIT, THE RFI, AND THE CEQA DOCUMENTATION IS
16 CONSISTENT.

17 MENTIONED BEFORE, AND THERE WAS A
18 LITTLE BIT OF DISCUSSION ON THIS LAST MONTH, THAT
19 ANY DISCREPANCIES AT THE TIME THAT WE BRING THIS
20 TO THE COMMITTEE, ANY DISCREPANCY IN THE PACKAGE,
21 IT WOULD BE BROUGHT TO THE COMMITTEE'S ATTENTION.
22 AND NORMALLY WE WOULD TRY AND WORK THESE THINGS
23 OUT BEFORE THEY GET TO THE COMMITTEE AS WE DO
NOW.

24 AND SINCE WE WOULD BE MAKING A
25 DETERMINATION ON COMPLETENESS AND THE LEA'S

WOULD

1 BE MAKING A DETERMINATION ON ADEQUACY, THE LEA'S
2 ARE GOING TO BE MORE RESPONSIBLE FOR ANSWERING
3 DETAILED QUESTIONS AT THE COMMITTEE AND BOARD
4 HEARINGS. BOARD STAFF WILL BE SUPPORTING THE LEA
5 IN STATING WHETHER THEY HAVE MET THE PROCESSING
6 REQUIREMENTS AND REVIEW PROCESS REQUIREMENTS.

7 WE'LL BE -- HOPEFULLY THIS WILL FREE
8 UP SOME TIME FOR US TO DO MORE INFIELD WORK WITH
9 LEA'S TO PROVIDE TRAINING AND MORE TECHNICAL
10 ASSISTANCE TO THEM AT THE BEGINNING OF THE
11 PROJECTS AND ALSO HELP US DEVELOP MORE TECHNICAL
12 MANUALS THAT CAN HELP THE LEA'S IN THE FIELD.

13 AND SO I DON'T KNOW AT THIS TIME IF
14 YOU WANT TO HAVE A LITTLE BIT OF DISCUSSION ON
15 THIS. EVEN THOUGH THIS IS AN INFORMATIONAL ITEM,
16 PAGE 4 OF YOUR AGENDA ITEM DOES GIVE THE BOARD
17 MEMBERS, COMMITTEE MEMBERS FOUR OPTIONS. I'M
18 SORRY. IT'S PAGE 5. THAT CONCLUDES MY
19 PRESENTATION AT THIS TIME.

20 CHAIRMAN FRAZEE: OKAY. ANY QUESTIONS?

21 MEMBER JONES: I JUST HAVE A COUPLE OF
22 QUESTIONS. PARTNERSHIP 2000, WHERE WE ARE TRYING
23 TO EMPOWER THE LEA'S THROUGH THE EDUCATIONAL
24 PROCESS, I THINK, IS A GOOD PROGRAM. BUT WHAT I
25 HAVE NOTICED, AND IT'S HARD -- AS AN OPERATOR FOR

1 A LOT OF YEARS, I WOULD GET FRUSTRATED FOR CERTAIN
2 ISSUES. AS A REGULATOR FOR SEVEN MONTHS, I GET
3 MORE FRUSTRATED WHEN I SEE INCOMPLETE DOCUMENTS
4 THAT COME TO US. AND WHEN CERTAIN LEA'S ARE
5 QUIZZED ABOUT THE INADEQUACY OF THOSE, THEY THROW
6 REGULATION AT US AND SAY UNDER THE STATUTE IT'S
7 OUR DUTY TO BLAH, BLAH, YOU KNOW. AND THAT'S
8 FINE, BUT YOU HAVEN'T ANSWERED THE QUESTION, YOU
9 KNOW.

10 WHAT I WORRY ABOUT, WHAT I AM THE
11 MOST CONCERNED ABOUT WITH THIS THING IS THAT ARE
12 WE GOING TO SEE OR WHAT IS OUR REMEDY GOING TO BE
13 TO SEE THESE PERMITS COME FORWARD THAT AREN'T
14 COMPLETE? EVEN IF AN LEA FEELS THAT THEY'RE
15 COMPLETE, BUT THEY DON'T -- YOU KNOW, THEY DON'T
16 HAVE THE LEVEL OF DETAIL THAT YOU PROVIDE US. I
17 THINK I MADE THE COMMENT THE LAST TIME "WE NEVER
18 SAW A PERMIT WE DIDN'T LIKE" BECAUSE ALL THE WORK
19 THAT YOU GUYS DO AHEAD OF TIME SO THAT WHEN WE GET
20 A PERMIT, IT IS A PERMIT THAT IS IN THE POSITION
21 TO BE CONCURRED WITH USUALLY. I'M TROUBLED ABOUT
22 THAT ISSUE.

23 AND THEN I GUESS MY QUESTION IS IS
24 UNDER THE CERTIFICATION OF LEA'S, IF WE
25 CONSIDER -- IF WE CONTINUE TO -- IF WE SEE A LACK

1 OF PERFORMANCE OF MEETING WHAT THIS BOARD IS GOING
2 TO NEED TO BE ABLE TO CONCUR, DOES THAT BECOME
3 PART OF THE CERTIFICATION PROCESS FOR THAT LEA?
4 IF WE CONTINUALLY SEE INADEQUATE DOCUMENTATION,
5 DOES THAT -- IS THAT SOMETHING WE CAN DEAL WITH
6 THROUGH CERTIFICATION?

7 MS. TURNER: IT WOULD GO INTO THE
8 EVALUATION OF THE LEA'S PERFORMANCE. ANY
9 INADEQUATE DOCUMENTS THAT THEY HAD CERTIFIED, THAT
10 WOULD CERTAINLY BE NOTED AS AN EVALUATION ISSUE.
11 IT WOULD DEPEND ON HOW SEVERE THAT IT IS. IF IT'S
12 SOMETHING THAT'S ONGOING IN THAT COUNTY, DOES THIS
13 HAPPEN MORE THAN JUST ONCE, IS THIS A ONE-TIME
14 OCCURRENCE, AND THAT SORT OF THING ALSO, IT WOULD
15 BE AN INDICATOR TO US THAT WE NEED TO GO OUT AND
16 DO MORE TRAINING IN THAT AREA, MORE LOCALIZED
17 TRAINING.

18 MEMBER JONES: MY OTHER QUESTION WOULD BE
19 THERE'S A HIGH RATE OF -- NOT A HIGH RATE, BUT
20 THERE'S A SEMI-HIGH RATE OF REGISTERED
21 ENVIRONMENTAL HEALTH SPECIALISTS THAT GET JOBS AS
22 LEA'S AND LEAVE. THEY'RE UPWARDLY MOBILE. THEY
23 WANT TO FIND A JOB SOMEWHERE ELSE IN BETTER
24 CONDITIONS. AND PERMITS GENERALLY STOP AT THAT
25 POINT ON THE LOCAL LEVEL WHERE YOU START ALL OVER

1 AGAIN. AND THOSE LEA'S SHOULD RELY ON WASTE BOARD
2 STAFF, THE NEW ONE, THE REPLACEMENT, TO HELP THEM
3 THROUGH THAT. WE'RE STILL GOING TO BE ABLE TO
4 OFFER THOSE TYPES OF SERVICES, RIGHT, TO THESE NEW
5 LEA'S?

6 I THINK WE SEE THE SAME LEA'S THAT
7 HAVE HISTORY, BUT I'VE DEALT WITH WHERE I'VE HAD
8 THREE LEA CHANGES IN A THREE-YEAR PERIOD, AND ONE
9 KNEW LESS THAN THE OTHER. IT DIDN'T GET BETTER;
10 IT GOT WORSE UNTIL THE END. THE LAST ONE WAS
11 GREAT. BUT, YOU KNOW, I MEAN I DON'T THINK
12 ANYBODY ON THIS COMMITTEE WANTS TO BE IN A
13 POSITION WHERE WE DON'T HAVE ALL THE INFORMATION
14 BECAUSE I MEAN I THINK WE'VE ALREADY PROVEN ON
15 THIS COMMITTEE THAT WE ARE NOT AFRAID TO NOT
16 CONCUR WITH A PERMIT IF IT'S NOT RIGHT, YOU KNOW,
17 I MEAN WE HAVE A HEALTH AND SAFETY ISSUE.

18 THOSE ARE THE TYPES OF THINGS THAT
19 I'M WORRIED ABOUT. I THINK WE NEED TO EMPOWER
20 LEA'S. I THINK THE TRAINING IS MANDATORY. I WANT
21 TO SEE THAT GROW. I DON'T HAVE ANY PROBLEM WITH
22 THAT, BUT I WANT TO BE ABLE TO TAKE CARE OF THE
23 STUFF THAT'S GOING TO FALL THROUGH THE CRACKS.
24 THE LEA'S THAT ARE NEW, THE LEA'S THAT DON'T
25 UNDERSTAND THE IMPACTS OF WHAT THEY'RE DOING.

1 AND, YOU KNOW, YOU GUYS KNOW WHERE THIS BOARD
2 COMES FROM SO YOU MAKE SURE THAT YOU'RE DEALING IN
3 THE DESCRIPTIONS WITH ISSUES THAT ARE VERY GERMANE
4 TO THESE MEMBERS. LEA'S DON'T HAVE THAT
5 OPPORTUNITY. YOU KNOW, THEY DON'T KNOW US FROM A
6 HOLE IN THE WALL. THEY DON'T KNOW WHAT OUR ISSUES
7 ARE, WHAT WE LOOK FOR.

8 SO I JUST SEE -- I THINK THAT A LOT
9 OF WORK HAS GOT TO GO INTO THIS TO MAKE SURE LEA'S
10 WALK OUT OF HERE FEELING GOOD AND NOT, YOU KNOW,
11 NOT BEAT UP, BUT I THINK -- YOU KNOW, THERE'S
12 GOING TO BE A REAL QUESTION THAT THERE'S GOING TO
13 BE TIMES THAT THEY ARE GOING TO GET BEATEN UP IF
14 THE PRODUCT IS NOT GOOD FOR US TO MAKE A DECISION
15 THAT'S GOING TO IMPACT HEALTH AND SAFETY. SO
16 THOSE ARE WHAT MY CONCERNS ARE.

17 MS. RICE: MR. JONES, OUR GOAL WOULD BE
18 TO PROVIDE MORE ASSISTANCE, NOT LESS UNDER THE
19 PROCEDURES AS DESCRIBED HERE. BUT AS GEORGIANNE
20 DESCRIBED, THE INTENT BE WOULD BE, WHEREVER
21 POSSIBLE, PROVIDE IT EARLIER RATHER THAN AT THE
22 TIME THE COMMITTEE IS HEARING A PERMIT. AS WE
23 NOTED THIS MORNING AND ON MANY OTHER PERMITS THAT
24 HAVE COME BEFORE YOU, THAT IS NOT THE TIME TO TRY
25 TO BE REWRITING AND ADDRESSING FUNDAMENTAL

1 QUESTIONS WITH DOES THE PERMIT WORK AND ARE THE
2 PIECES PRESENT. SO OUR HOPE WOULD BE THAT THROUGH
3 TRAINING, THROUGH ASSISTANCE IN THE FIELD THAT OUR
4 STAFF WOULD BE ABLE TO PROVIDE, RATHER THAN
5 FOCUSING ON REVIEW OF PERMITS ONCE THEY COME IN,
6 THAT OVER TIME IT SHIFTS TO THAT KIND OF A MODE
7 WHERE WE'RE PROVIDING THE ASSISTANCE UP FRONT.

8 AND I THINK YOU'RE ABSOLUTELY RIGHT,
9 THAT SPECIAL ATTENTION ALWAYS NEEDS TO BE PAID TO
10 NEW STAFF AND TO LEA'S THAT ARE UNDERGOING CHANGE.
11 IT'S NO DIFFERENT THAN OUR STATE STAFF OR ANY
12 OTHER ORGANIZATION. IF YOU HAVE CHANGE, YOU NEED
13 TO FIND A WAY TO BRING PEOPLE UP TO SPEED. AND,
14 OF COURSE, WE WOULD WANT TO OFFER EXTRA ASSISTANCE
15 TO THOSE WITH NEW AND CHANGING STAFF.

16 AND I THINK OUR GOAL WILL NOT CHANGE
17 IN TERMS OF WE WANT TO MAKE SURE THAT THE ITEMS
18 BEFORE YOU ARE AS COMPLETE AS POSSIBLE AND YOU
19 HAVE THE INFORMATION THAT YOU NEED. IT IS SIMPLY
20 THAT WE WILL BE TRYING TO SHIFT TO ENABLING THE
21 LEA TO PROVIDE THAT TO THE GREATEST EXTENT
22 POSSIBLE, BUT WE DON'T FEEL THAT OUR OBLIGATION
23 TO
24 MAKE SURE YOU HAVE THAT HAS BEEN TAKEN AWAY
 BECAUSE WE ARE YOUR STAFF.

25

MEMBER JONES: A QUESTION ON THAT. IF

20

1 THROUGH THE LEA ADVISORIES OR THROUGH WHATEVER
2 MECHANISM, MAYBE IT'S NOT AN ADVISORY, BUT MAYBE
3 JUST COMMUNICATIONS FROM STAFF TO THE LEA'S, IF A
4 SERIES OF -- OR AS PERMITS COME UP AND WHAT THE
5 ISSUES WERE THAT THE BOARD MEMBERS BROUGHT UP,
6 WOULD THAT -- WOULD THERE BE A WAY TO GET THAT
7 INFORMATION OUT TO THE LEA'S SO THAT THEY HAVE
8 SOME INDICATORS AS TO -- EVERYBODY IS SMILING.
9 YOU THOUGHT OF THIS. THAT'S GOOD.

10 MS. RICE: WE HAVE BEEN USING INFORMAL
11 COMMUNICATION TOOLS VIA THE ROUND TABLES AND
OTHER

12 MECHANISMS TO BRING UP TOPICAL ISSUES OF INTEREST
13 THAT COME UP MONTHLY ON PERMITS AND HAVE HAD MANY
14 GOOD DISCUSSIONS ABOUT THOSE ISSUES. BUT I THINK
15 WHEN THOSE ISSUES GEL AND WE HAVE A SENSE OF WHAT
16 IS THE, NOT DIRECTION BECAUSE ADVISORIES ARE
17 SIMPLY ADVICE AND LETTERS ARE SIMPLY GUIDANCE,
BUT

18 WHAT IS THE SENSE OF THE BOARD? WHAT ARE ISSUES
19 THAT WE CAN SHARE WITH LEA'S FOR THEIR
INFORMATION

20 AND CONSIDERATION WHEN THEY'RE PREPARING THINGS?

21 I THINK WE CAN DO A MUCH BETTER
JOB,

22 AND THE HOPE IS THAT THROUGH IMPLEMENTATION OF
OUR

23 DIVISION STRATEGIC PLAN AND THE BOARDWIDE

24 STRATEGIC PLAN, WE WILL FREE UP SOME RESOURCES TO
25 WORK ON GETTING MORE INFORMATION OUT TO LEA'S AND

1 MORE DIALOGUE ON PAPER BECAUSE IT'S VERY EASY TO
2 TALK ABOUT THESE ISSUES AND HAVE THEM EVOLVE, BUT
3 WE HAD A NUMBER OF ISSUES JUST IN YOUR SPECIAL
4 BOARD MEETING REGARDING WHAT IS NEEDED ON THE
5 DELINEATION OF PROPERTY AND THAT SORT OF THING.
6 VERY OFTEN INFORMATION MAY BE USEFUL TO SHARE, AND
7 WE SIMPLY HAVEN'T HAD THE TIME TO PUT THOSE THINGS
8 IN WRITING AND GET THEM OUT. AND WE WOULD HOPE TO
9 DO MUCH MORE OF THAT MUCH MORE FREQUENTLY.

10 MEMBER JONES: THANKS, MR. CHAIRMAN.

11 MEMBER RELIS: MR. CHAIR, THIS IS AN
12 INFORMATION ITEM, AND I KNOW STAFF SAID, LOOK,
13 HERE ARE FOUR THINGS YOU CAN CONSIDER AT THE -- AS
14 OPTIONS. AND THEY RANGE FROM BRING IT BACK TO
15 FORWARD TO MAKE CHANGES TO TAKE NO ACTION. AND
16 THEN I LOOK TO THE ATTACHMENT A IN THE ITEM, PAGE
17 89. THAT ESSENTIALLY LISTS OUR PERMIT APPLICATION
18 PACKAGE AND THAT'S OUR CHECKLIST. I'M GOING BACK
19 TO --

20 MS. TURNER: ACTUALLY ATTACHMENT B IS THE
21 BOARD'S REQUIREMENTS, AND THE ATTACHMENT A IS THE
22 LEA'S, JUST FOR A POINT OF CLARIFICATION.

23 MEMBER RELIS: NOW, SINCE THIS ISN'T AN
24 ACTION ITEM, UNLESS WE CHOOSE TO DO SOMETHING WITH
25 IT, I HAVE TWO QUESTIONS. DOES THIS IN ANY WAY

1 CLARIFY THE OLD PROBLEM WE'VE HAD WITH THE CLOCK,
2 WHEN THE CLOCK STARTS? DOES THIS SPEAK TO THAT AT
3 ALL? OR IT'S JUST A RESTATING OF WHAT WE HAVE
4 ALREADY?

5 MS. RICE: I THINK SINCE THE CLOCK IS SET
6 IN STATUTE, NO --

7 MEMBER RELIS: NOT THAT WE'RE CHANGING
8 THE CLOCK, BUT IS THERE ANYTHING EASIER FOR YOU OR
9 THE LEA TO DRAW THAT LINE WHEN THE PACKAGE IS
10 COMPLETE?

11 MS. RICE: NO. WE DO NOT HAVE A
12 COMPLETENESS REVIEW FOR OUR 60 DAYS, SO OUR CLOCK
13 STARTS WHEN WE RECEIVE THE PERMIT APPLICATION.

14 MS. TURNER: THERE IS -- IT'S NOT A
15 COMPLETENESS IN THE SENSE THAT IT'S THE LEA'S
16 30-DAY COMPLETENESS REVIEW, BUT WE DID HAVE NOW A
17 LIST OF ITEMS THAT OUTLINES THOSE THINGS THAT IF
18 THEY'RE NOT THERE, THEN THE BOARD WOULD HAVE TO
19 OBJECT. THAT'S HOW THE REGULATIONS READ. SO
20 THERE IS NOW A LIST IN REGULATION. SO IF ONE OF
21 THOSE PIECES WAS MISSING, THEN IT'S CLEARER THAN
22 IT EVER HAS BEEN. AND THOSE ARE LISTED ON
23 ATTACHMENT B, THE FIRST COLUMN. IF ANY OF THOSE
24 ELEMENTS AREN'T THERE, THEN IT WOULD BE INCOMPLETE
25 FOR OUR PURPOSES TO ACT ON THE PERMIT.

1 MEMBER RELIS: OKAY. INCOMPLETE TO ACT.
2 ELABORATE.

3 MS. RICE: A REASON TO NONCONCUR IS
4 ANOTHER WAY OF STATING THAT, GROUNDS TO NONCONCUR.

5 MEMBER RELIS: BUT NOT THE MATTER OF,
6 WELL, IF THIS IS NOT READY FOR THE BOARD, AND SO
7 THE 60-DAY MATTER IS NOT EFFECTIVE.

8 MS. TOBIAS: IF YOU'RE REFERRING TO THE
9 SUGGESTION THAT I THINK WAS MADE ABOUT A YEAR AGO
10 WHERE WE WERE GOING TO SET A CALENDAR AND
11 BASICALLY SAY THAT PERMITS WOULD BE DEEMED TO
12 BASICALLY BE RECEIVED AS OF A CERTAIN DATE TO MAKE
13 A CALENDAR FOR THE NEXT BOARD MEETING, MY
14 IMPRESSION OR RECOLLECTION WAS THAT THAT WAS TAKEN
15 TO THE LEA'S AND THAT THE LEA'S WEREN'T CRAZY
16 ABOUT IT. THAT'S MY OWN CATEGORIZATION -- MY OWN
17 CHARACTERIZATION ON THAT.

18 MEMBER RELIS: WE NEVER, I DON'T THINK,
19 RECEIVED FORMAL FEEDBACK THAT THEY WEREN'T CRAZY
20 ABOUT IT OR WHETHER WE WERE -- YOU KNOW, WHAT OUR
21 ATTITUDE WAS REGARDING NOT LIKING.

22 MS. RICE: THAT ITEM WAS ACTUALLY
23 CALENDARED AT ONE POINT FOR A HEARING OF THIS
24 COMMITTEE AND THEN, BASED ON COMMENT RECEIVED, WAS
25 WITHDRAWN FROM HEARING. SO YOU DID HAVE AN ITEM

1 IN PRINT THAT WAS SUBSEQUENTLY WITHDRAWN. AND WE
2 HAVE BEEN WORKING COOPERATIVELY WITH LEA'S TO
3 DEVELOP A PROCESS THAT REALLY JUST INVOLVES MORE
4 COMMUNICATION IN TERMS OF WHAT ARE YOU WORKING ON,
5 WHAT IS GOING TO COME IN SO THAT WE CAN TRY TO
6 TIMELY CALENDAR THINGS AND ALSO WORK ON ISSUES
7 THAT MAY BE UNRESOLVED ISSUES WITH THEM UP FRONT.
8 SO I THINK OUR RESOLUTION OF THE ISSUE, AND
9 APOLOGIZE IF WE DIDN'T MAKE THAT CLEAR OR GET BACK
10 TO YOU, COULD CERTAINLY DO SO MORE FULLY LATER.

11 MEMBER RELIS: YOU FEEL IT'S RESOLVED?

12 MS. RICE: WELL, WE ARE WORKING ON AN
13 ITERATIVE PROCESS OF TRYING BY WORKING TOGETHER
14 MAKE SURE THAT THE CALENDAR IS ESTABLISHED IN A
15 WAY THAT GIVES US THE TIME WE NEED TO PROVIDE THE
16 REVIEW FOR YOUR PURPOSES AND ENABLES THE LEA TO
17 HAVE ENOUGH TIME TO DO WHAT THEY NEED TO DO AT
18 THEIR END.

19 MEMBER RELIS: I WOULD ASK, BECAUSE THIS
20 HAS BEEN A SUBJECT THAT HAS CAUSED US SOME GRIEF
21 AT TIMES, THAT IT'S IMPORTANT ENOUGH TO AT LEAST
22 HEAR WHAT THE INTERACTION WAS AND WHAT STAFF'S
23 CONCLUSION IS, IF YOU'VE REACHED A CONCLUSION,
AND

24 GIVE US THE OPPORTUNITY TO SEE IF WE AGREE WITH
25 THAT.

1 MS. HAMBLETON: SUZANNE HAMBLETON. I'D
2 LIKE TO ADD THAT A LETTER DID GO OUT SUGGESTING
3 THE TIME FRAMES THAT WE TALKED ABOUT, AND IT WAS A
4 SUGGESTION TO THE LEA'S LETTING THEM KNOW ALL THE
5 PIECES THAT WE HAD PUT TOGETHER AND GIVING THEM
6 SOME SUGGESTED DATES TO LOOK AT. THAT -- IT WAS A
7 SUGGESTION, IT WASN'T SOMETHING THAT WE WERE
8 MANDATING, BUT IT WAS JUST SOME GUIDANCE.

9 MS. RICE: THAT IS THE COOPERATIVE EFFORT
10 I WAS REFERRING TO. WHAT WE DID IS PROVIDE THE
11 BOARD AND THE COMMITTEES' ANNUAL CALENDAR AND
12 INDICATED WHAT OUR TIME FRAMES ARE IN TERMS OF
13 NEEDING TO PREPARE AGENDA ITEMS AND WHAT WOULD
14 BE
15 MOST HELPFUL TO US IN TERMS OF SUBMITTAL DATES
16 TO
17 ACCOMMODATE THE BOARD'S HEARING SCHEDULE AND
18 THAT
19 IF WE COULD PLEASE WORK TOGETHER TO MAKE SURE
20 THAT
21 THESE TIME LINES WERE MET AND THAT WE WERE ABLE
22 TO
23 BRING FORWARD A GOOD PRODUCT IN COOPERATION
24 WITH
25 THE LEA'S. BUT I CAN SEE THAT WE CAN CERTAINLY
26 COME BACK AND PROVIDE YOU EITHER IN MY REPORT

NEXT

21 MONTH OR SOME OTHER FORUM A REPORT ON THAT WORK
22 AND COPIES OF THAT LETTER.

23 MEMBER JONES: YOU KNOW, MR. CHAIRMAN,
ON

24 ATTACHMENT B, THE FIRST THING SAYS A COMPLETE

AND

25 CORRECT RFI AS CERTIFIED BY THE LEA. IF THAT'S

1 WHEN THE CLOCK STARTS, THEN I THINK THAT WHAT'S
2 CRITICAL THERE ARE THE DEFINITIONS OF THOSE TWO
3 WORDS, COMPLETE AND CORRECT. WOULDN'T CORRECT
4 MEET YOUR ADEQUACY TEST?

5 MS. TURNER: YES, IT WOULD. ACTUALLY,
6 THOUGH, OUR TIME CLOCK STARTS WHEN WE RECEIVE A
7 PROPOSED PERMIT IN THE MAIL. IT DOESN'T MATTER
IF

8 WE HAVE ANYTHING WITH IT ACTUALLY.

9 MEMBER JONES: SEE, THAT'S WHAT DOESN'T
10 MAKE ANY SENSE. I MEAN IT SAYS HERE THAT YOU
11 NEED -- THAT WE NEED TO GET A COMPLETE AND
CORRECT

12 RFI AS CERTIFIED BY THE LEA. NOW, ARE YOU
TELLING

13 ME THAT UNDER STATUTE WE CAN'T SAY THAT -- I MEAN
14 A PIECE OF PAPER THAT SAYS I'M GOING TO GO FOR A
15 PERMIT NEEDS TO INCLUDE ALL THESE THINGS? I MEAN
16 I WOULD LIKE THAT EXPLORED BECAUSE THAT'S WHERE
WE

17 GET INTO TROUBLE. I MEAN IT'S HAPPENED BEFORE
18 WHERE THEY SUBMIT IT AND SAY PUT IT ON THE
19 CALENDAR, AND WE GET INFORMATION TWO DAYS BEFORE
20 THE BOARD MEETING AND IT'S BUNK.

21 MS. RICE: WE'D BE HAPPY TO RETURN WITH

22 MORE DISCUSSION ON THIS ITEM, BUT IT IS SOMETHING
23 THAT WE'VE ENTERED INTO DISCUSSION WITH THE BOARD
24 AND OUTSIDE PARTIES A NUMBER OF TIMES AND PURSUED
25 REGULATIONS TO CLARIFY. THE STATUTE SEEMS FAIRLY

1 CLEAR THAT THE 60 DAYS STARTS UPON RECEIPT OF THE
2 PERMIT APPLICATION BY THE BOARD. WE HAVE ARGUED
3 FOR MANY YEARS THAT IT WOULD BE VERY HELPFUL TO
4 HAVE A COMPLETENESS REVIEW INITIATE THE START
5 RATHER THAN SIMPLY OPENING AN ENVELOPE, BUT OUR
6 EFFORTS TO CLARIFY THAT IN REGULATION HAVE BEEN
7 UNSUCCESSFUL TO DATE.

8 MEMBER RELIS: I THINK WE NEED TO, THEN,
9 BECAUSE THIS APPARENTLY HAS GONE IN AND OUT OF
10 MEMORY HERE. I'VE LOST TOUCH WITH IT. AND I
11 THINK A FULL DISCUSSION OF THIS WOULD BE TIMELY,
12 HELPFUL, TELL US WHERE --

13 MS. RICE: HAPPY TO DO THAT.

14 MEMBER RELIS: -- WHAT WE DID BEFORE AND
15 WHERE THAT CONVERSATION TRAILED OFF.

16 MS. RICE: THIS MAY BE A JOG OF MEMORY
17 FOR YOU, MR. RELIS, HAVING BEEN HERE AT THE TIME.
18 IN THE INITIAL COMPOST REGULATIONS, WE ATTEMPTED
19 TO CLARIFY THIS ISSUE, AND IT WAS MET WITH GREAT
20 CONTROVERSY AND OUTCRY THAT WE NEEDED TO WITHDRAW
21 THAT ISSUE.

22 MEMBER RELIS: IT MUST BE TOO PAINFUL
FOR
23 ME TO REMEMBER THEM.

24 MS. RICE: WE WOULD BE HAPPY TO PREPARE
25 AN INFORMATION ITEM OR WHATEVER FORUM YOU PREFER

1 TO BRING THAT ISSUE FORWARD, GO INTO THE HISTORY
2 OF IT, AND OUR UNDERSTANDING, BASED ON LEGAL
3 ADVICE OVER MANY YEARS, OF WHERE OUR AUTHORITY
4 LIES IN TERMS OF WHEN THE 60 DAYS STARTS AND OUR
5 EFFORTS TO CLARIFY THAT AND OUR FAILURE TO DO SO
6 TO DATE.

7 MEMBER JONES: UNDER OUR EMPOWERMENT
8 STANCE, WHICH IS GOOD, MOST EMPOWERMENTS ARE A
9 TWO-WAY STREET. MOST EMPOWERMENTS ARE A CONTRACT
10 OR A VERBAL UNDERSTANDING BETWEEN TWO ENTITIES OF
11 CERTAIN THINGS THAT THEY'RE GOING TO GET MORE
12 FREEDOMS BUT WITH CERTAIN CONSIDERATIONS. I THINK
13 THAT THERE'S FOUR OR FIVE LEA'S SITTING OUT IN
14 THIS AUDIENCE THAT ARE VERY ACTIVE IN THE ROUND
15 TABLES, HAVE GOOD REPUTATIONS. I THINK THEY'RE
16 HEARING THAT THIS BOARD HAS AN ISSUE HERE WITH A
17 SINGLE PIECE OF PAPER THAT SAYS WE'RE GOING FOR A
18 PERMIT AND WE DON'T GET THE REST OF THE
19 DOCUMENTATION. YOU KNOW, I THINK THERE'S A WAY TO
20 DEAL WITH THIS, AND IT WOULD BE A DEFINITION OF
21 COMPLETE AND CORRECT AS PART OF STATUTE. I THINK
22 LEA'S NEED TO UNDERSTAND.

23 I MEAN I'M WILLING TO PUSH THAT
24 ENVELOPE. I MEAN I WANT TO EMPOWER THEM, BUT I
25 WANT THEM TO GIVE ME SOMETHING BACK, GIVE THIS

1 BOARD SOMETHING BACK, SO WE HAVE ALL THE DOCUMENTS
2 IN FRONT OF US BECAUSE I REALLY HATE NOT
3 CONCURRING WITH PERMITS OF I HAVE TO, YOU KNOW.

4 CHAIRMAN FRAZEE: BUT THAT IS SOMETHING
5 THAT WOULD REQUIRE STATUTE CHANGE.

6 MS. RICE: THAT'S MY UNDERSTANDING, YES.
7 BUT WOULD BE HAPPY TO GO INTO THAT AS AN ISSUE OR
8 AN OPTION WHEN WE BRING MATERIAL FORWARD FOR YOU.

9 MEMBER RELIS: WERE YOU SHAKING YOUR
10 HEAD, NO STATUTE CHANGE?

11 MS. TURNER: THERE'S A DEFINITION --
12 THERE'S NOTHING IN STATUTE. MS. RICE IS CORRECT
13 ON THAT. THERE IS A DEFINITION IN TITLE 27 OF
14 COMPLETE AND CORRECT, WHICH IS -- I SUMMARIZED
15 THAT AT THE VERY BEGINNING. AND YOU ARE CORRECT.
16 IT'S SOMEWHAT VAGUE.

17 MEMBER RELIS: WOULDN'T BE THE FIRST TIME
18 SOMETHING WAS VAGUE.

19 MS. TURNER: AND THE -- IN -- I MENTIONED
20 THIS IN THE ITEM, THAT THE FOCUS OF THE COMPLETE-
21 NESS OR THE CORRECTNESS REVIEW IS A LOT MORE
22 DETAILED. AND WE WOULD BE -- THE EFFORT IN THIS
23 ITEM WOULD BE TO GIVE MORE OF THAT TO THE LEA'S
24 AND NOT HAVE US DO AS MUCH AS OF THE DETAILED
25 ACCURACY REVIEW. BUT WE CAN PROVIDE MORE

1 INFORMATION.

2 MEMBER RELIS: THIS IS THE DANCE WE'VE
3 ALWAYS BEEN THROUGH, THOUGH. THOSE OF US AT THIS
4 END, WE HAVE TO MAKE THE DECISION. WE VOTE. AND
5 FOR US, YOU KNOW, THAT'S A DIFFERENT -- THE LEA IS
6 IN A POSITION TO PASS JUDGMENT ON THE PERMIT
7 COMING FORWARD, BUT BOTTOM LINE, THE PERMIT'S
8 CONCURRED OR NOT. AND WE HAVE TO MAKE A DECISION
9 BASED ON WHAT'S BEFORE US. AND SOMETIMES, AND
10 WE'VE EXPRESSED THIS OVER MANY YEARS, THAT WE FEEL
11 JAMMED AT TIMES. AND WHEN WE'RE JAMMED, IT'S A
12 REAL PROBLEM TO MAKE A SOUND JUDGMENT ON THAT
13 BASIS. SO I'M GLAD, MR. JONES, THAT YOU RAISED
14 THE INTEREST AGAIN BECAUSE, FRANKLY, I'VE LOST
15 TRACK OF WHERE THIS DISCUSSION WENT.

16 CHAIRMAN FRAZEE: DO WE WANT TO -- WELL,
17 LET'S HEAR FROM LEA'S RIGHT NOW. KEN CALVERT, SAN
18 DIEGO COUNTY LEA.

19 MR. CALVERT: THANK YOU, CHAIRMAN FRAZEE.
20 MY NAME IS KEN CALVERT. I REPRESENT SAN DIEGO
21 COUNTY LEA.

22 I CAME HERE TODAY BECAUSE I WANT TO
23 EXPRESS MY SUPPORT FOR THE AGENDA ITEM THAT YOU
24 HAVE BEFORE YOU AND THE PROCESS THAT THAT DETAILS.
25 I BELIEVE THAT THE FOCUS ON TRAINING IS GOOD. I

1 THINK THAT FOR THE STATE TO BEST ACHIEVE ITS GOALS
2 OF CONSISTENCY, THAT STATEWIDE CONSISTENT TRAINING
3 IS THE BEST AND MOST APPROPRIATE WAY TO DO THAT.

4 I THINK IN THE PAST SOMETIMES
5 TRAINING HAS BEEN PERIPHERAL AS OPPOSED TO CENTRAL
6 TO THE BOARD'S AGENDA. AND ALSO, IN THE -- OVER
7 THE PAST YEAR OR TWO, I'VE HAD THE OPPORTUNITY TO
8 WORK WITH BOARD STAFF ON VARIOUS PERMITTING
9 ISSUES. AND FROM THE TIME, I GUESS, AS I'VE
10 BEEN -- SINCE I'VE BEEN AN LEA, I THINK THAT
LEA'S

11 AND BOARD STAFF ARE CLOSER THAN WE'VE EVER BEEN
ON
12 CONSENSUS ON A LOT OF THE ISSUES SURROUNDING
13 PERMITTING ISSUES.

14 AND SO IN THAT SENSE, FOR ME,
THIS

15 IS VERY HOPEFUL. AND I THINK IT'S PART OF THE
16 FRUIT OF PROCESS 2000, AND IT ALSO, FOR ME, IS
--

17 EXPRESSES A REAL DESIRE ON BOARD STAFF'S PART
TO

18 MAKE THIS WHOLE PROCESS WORK. SO I'M
ENCOURAGED.

19 AND I THINK THAT CLEARLY THESE GUIDELINES IN
TITLE

20 27 PLACE ADDITIONAL RESPONSIBILITY ON LEA'S,
AND I

21 THINK LEA'S WILL RESPOND TO THAT. I THINK
THERE'S

22 NOTHING LIKE PULLING OUT A LITTLE BIT OF THE

23 SAFETY NET TO MAKE PEOPLE MORE CAREFUL. SO

AGAIN,

24 I'D LIKE JUST TO EXPRESS MY SUPPORT.

25 MEMBER JONES: MR. CHAIRMAN, CAN I ASK

1 MR. CALVERT A QUESTION? I WON'T PUT YOU ON THE
2 SPOT AND ASK YOU FOR AN ANSWER. BUT IN HEARING
3 SOME OF THE DISCUSSIONS WE HAD ABOUT COMPLETENESS
4 OF THE PACKAGE SO THAT WE'RE ABLE TO, DOES THAT
5 SEEM REASONABLE OR DOES IT -- YOU KNOW, DOES IT --

6 MR. CALVERT: ABSOLUTELY.

7 MEMBER JONES: WHEN YOU BASE YOUR
8 DECISIONS, YOU DON'T ACCEPT A PERMIT APPLICATION,
9 I'M SURE, FROM AN OPERATOR, WHETHER IT'S PUBLIC OR
10 PRIVATE, WITHOUT IT BEING IN SOME FORM OF
11 COMPLETENESS.

12 MR. CALVERT: CORRECT.

13 MEMBER JONES: DO YOU THINK WE SHOULD BE
14 AFFORDED THAT SAME LUXURY?

15 MR. CALVERT: I THINK YOU SHOULD INSIST
16 ON THAT KIND OF PERFORMANCE FROM THE LEA'S. IT'S
17 OUR RESPONSIBILITY AND OUR JOB TO MAKE SURE THE
18 PACKAGE IS COMPLETE AND ACCURATE. AND IT'S OUR
19 PERMIT. WE'RE NOT UP HERE ABLE AND WILLING TO
20 SUPPORT THAT PERMIT, THEN I THINK THAT OUR
21 PERFORMANCE SHOULD BE QUESTIONED.

22 MEMBER JONES: GREAT. THANKS, MR.
23 CALVERT. THANKS, MR. CHAIRMAN,

24 CHAIRMAN FRAZEE: OKAY. THANK YOU.

BILL

25 O'RULLIAN, KERN COUNTY LEA.

1 MR. O'RULLIAN: THANK YOU, MR. CHAIRMAN.
2 I WOULD LIKE TO ANSWER THAT QUESTION OF MR. JONES
3 ON BEHALF OF KERN COUNTY. FIRST OF ALL, I'D LIKE
4 TO SAY THAT SOME OF THE JAMMING EFFECT THAT TAKES
5 PLACE, THAT WAS MENTIONED BY MR. RELIS, I THINK,
6 IS -- SHOULD BE SHARED ALSO BY THE STAFF OF THE
7 BOARD. WHAT I MEAN BY THIS IS THAT OFTEN WE WILL
8 SEND UP A PACKAGE AND THEN IT GETS DISSEMINATED TO
9 VARIOUS BRANCHES OF YOUR STAFF FOR REVIEW. AND
10 INVARIABLY, WHEN THERE IS A PROBLEM, IT COMES
11 BEFORE -- A WEEK BEFORE OR A DAY OR TWO OR THREE
12 DAYS BEFORE THE AGENDA ITEM IS DUE.

13 AND I THINK THAT THIS IS A PROCESS
14 PROBLEM. IT'S NOT AN -- IT'S NOT RELATED TO ANY
15 PARTICULAR INDIVIDUALS, BUT IT HAPPENS BECAUSE OF
16 THE LENGTH OF TIME IT TAKES FOR VARIOUS SECTIONS
17 TO REVIEW DIFFERENT THINGS. WE'VE NOTICED, FOR
18 EXAMPLE, IN THE LAST FEW PERMITS THAT WE'VE SENT
19 UP HERE, THAT IT TAKES 8 TO 11 DAYS FROM THE TIME
20 WE SENT THE PERMIT TO ACTUALLY HAVE THE PERMIT
21 RECEIVED BY THE BOARD.

22 AND WHAT -- AND WHAT WE'RE GAUGING
23 THIS BY IS THE DOCUMENTATION THAT COMES BACK TO US
24 ON SUCH-AND-SUCH A DATE A PERMIT WAS RECEIVED, AND
25 WE GET THOSE LETTERS FAITHFULLY FROM YOUR STAFF.

1 AND SO I THINK THAT THERE ARE SOME AREAS THAT NEED
2 TO BE LOOKED AT. AS FAR AS COMPLETENESS,
3 CERTAINLY THE STAFF OF THE BOARD AND YOUR BOARD
4 HAVE BEEN PATIENT WITH KERN COUNTY ON SEVERAL
5 OCCASIONS WITH PERMITS WHERE WE'VE HAD TO COME
6 BACK TO THE DRAWING BOARD AND GET CERTAIN ITEMS
7 IN.

8 BUT I'D LIKE TO NOTE THAT -- THAT
9 WHAT IS COMPLETE IN THE EYES OF ONE PERSON IS
10 MAYBE NOT COMPLETE IN THE EYES OF ANOTHER. WHAT I
11 MEAN BY THIS IS THAT YOU HAVE A STAFF OF VARIED
12 PROFESSIONAL CAPABILITIES, PEOPLE FROM -- THAT
13 HAVE SERVED WATER BOARDS AND PROFESSIONAL
14 ENGINEERS AND SO FORTH, AND EACH OF THEM HAVE A
15 PENCHANT THAT THEY LIKE TO EMPHASIZE.

16 WHEN I BECAME INVOLVED WITH THE
17 SOLID WASTE PROGRAM, I HAD COME FROM THE WATER
18 PROGRAM AND YOU CAN GUESS THE FIRST THING I WANTED
19 TO SEE ON EVERY LANDFILL WAS A CROSS-CONNECTION
20 CONTROL DEVICE AT THE SERVICE CONNECTION, AND
21 CERTAINLY THAT WAS MANDATED BY TITLE 17. AND SO
22 WHEN YOU HAVE THAT KIND OF INPUT, WHAT WE HAVE
23 SEEN ON DELAYS SOMETIMES ON THIS COMPLETENESS
24 ISSUE ON THE RDSI IS MORE EVERYONE WANTS MORE
25 CLARIFICATION OR MORE INFORMATION. AND IT MAY BE

1 BETTER MAPS OR IT MAY BE BETTER GRADING AND
2 DRAINAGE PLANS. WHATEVER IT IS, THESE THINGS ARE
3 SOMETIMES WHAT WE VIEW AS SUBJECTIVE. AND I THINK
4 THAT IF THE LEA'S WERE GIVEN THE OPPORTUNITY --
5 STAFF PROBABLY HAS LOTS OF CAMPFIRE HORROR STORIES
6 ABOUT LEA'S, BUT LEA'S ALSO HAVE CAMPFIRE HORROR
7 STORIES ABOUT STAFF ON GETTING PERMITS THROUGH THE
8 SYSTEM.

9 AND WE SUPPORT THIS ITEM, AS DID SAN
10 DIEGO COUNTY. WE DO AGREE THAT THE STAFF HAVE,
11 ESPECIALLY THROUGH THE TRAINING PROGRAMS, HAVE
12 ENDEAVORED TO HAVE US ALL SINGING FROM THE SAME
13 SHEET OF MUSIC, BUT THERE STILL REMAINS THINGS
14 THAT ARE INTRINSIC TO THE PROCESS THAT CREATE
15 DELAYS, AND I FEEL THAT THE LEA SHOULD NOT BEAR
16 THAT BURDEN ENTIRELY ON THEIR OWN. THANK YOU.

17 CHAIRMAN FRAZEE: THANK YOU.

18 MEMBER RELIS: MR. CHAIR, I FOUND THAT

--

19 THOSE COMMENTS HELPFUL. MAYBE BY HAVING THIS
20 DISCUSSION WE GET BOTH THE CAMPFIRES TOGETHER.
21 AND THEN JUST -- YOU SAID IT TAKES -- I DON'T
WANT

22 TO HAVE AN -- I DON'T WANT TO OPEN THIS UP TO
23 DISCUSSION SO MUCH -- 8 TO 11 DAYS FROM THE

TIME

24 YOU SEND SOMETHING OFF TO WHEN YOU GET
25 SOMETHING --

1 MR. O'RULLIAN: WE'LL SEND IT OFF ON A
2 DATE, AND THEN THE LETTER THAT WE RECEIVE BACK
3 THAT SAYS A PERMIT HAS BEEN RECEIVED ON
4 SUCH-AND-SUCH A DATE, WE'VE CHECKED THAT DATE TO
5 THE DAY WE SENT IT AND THE DAY THAT IT WAS
6 ACTUALLY LOGGED IN AND RECEIVED BY THE LOG, IT
7 TAKES 8 TO 11 DAYS, AND WE HAVE THAT DOCUMENTED ON
8 THE LAST THREE PERMITS.

9 MEMBER RELIS: INTERESTING. NO COMMENT.

10 CHAIRMAN FRAZEE: OKAY. I BELIEVE THAT'S
11 ALL OF THE SPEAKERS WE HAVE ON THIS ITEM.

12 MEMBER RELIS: MR. CHAIR, IT DOESN'T SEEM
13 LIKE WE NEED AN ACTION, BUT I WOULD SUGGEST THAT
14 WE CALENDAR A DISCUSSION OF THE CLOCK AND THE
15 RELATED CONVERSATION WE HAD SO THAT WE COULD HEAR
16 THE FRUITS OF THE STAFF/LEA INTERACTION, AND THEN
17 LEAVE IT OPEN AS TO WHAT WE DO WITH THAT.

18 MR. CHANDLER: LET ME OFFER A COUPLE OF
19 OBSERVATIONS. I THINK YOU'VE HAD A VERY GOOD
20 DISCUSSION OF THE NEW DIRECTION OR THE PROGRESS
21 WE'RE MAKING. AND I WOULD SUGGEST THAT EVEN
22 EITHER IN MY REPORT, MR. FRAZEE'S REPORT, OR THAT
23 WE BRING THIS ITEM TO THE FULL BOARD. I THINK THE
24 FULL BOARD NEEDS TO HEAR KIND OF A LITTLE BIT OF
25 THE TENOR OF THIS DISCUSSION, THAT WE'RE LOOKING

1 TO EMPOWER THE LEA'S MORE, WE WANT TO OBVIOUSLY
2 SEE COMPLETE PERMITS, WE'RE STARTING TO NOW
3 REVISIT THIS ISSUE OF THE CLOCK PERHAPS, BUT I
4 WOULD HATE JUST TO SEE THIS ITEM JUST BE LEFT HERE
5 FOR INFORMATIONAL PURPOSES BECAUSE YOU'VE REALLY
6 DISCUSSED KIND OF THIS NEXT -- SOMEONE SAID I WANT
7 TO PUSH THE ENVELOPE A LITTLE BIT.

8 SO I THINK THAT WE CAN TALK, MR.
9 FRAZEE, IF YOU WANT TO JUST CAPTURE THE ESSENCE OF
10 THIS DISCUSSION IN YOUR COMMITTEE REPORT OR YOU
11 WANT ME TO TRY TO MENTION IT, BUT I WOULD PERHAPS
12 MAKE THE VOTE THAT YOU OUGHT TO CONSIDER HAVING
13 THIS INFORMATIONAL ITEM CARRIED FORWARD TO THE
14 BOARD JUST SO THAT THE OTHER THREE MEMBERS THAT
15 AREN'T HERE CAN HEAR BRIEFLY FROM STAFF AND MAYBE
16 WE CAN TALK THAT WE'RE GOING TO CONTINUE TO BE
17 LOOKING AT THIS COMPLETENESS DEFINITION AND ISSUES
18 LIKE THAT.

19 CHAIRMAN FRAZEE: THE -- IT WOULD NEED TO
20 BE CALENDARED, THOUGH, IN ORDER TO DO IT AT THIS
21 NEXT BOARD MEETING.

22 MR. CHANDLER: I'M ASSUMING IT'S ON THE
23 BOARD AGENDA, AND IT WOULD JUST A BE A MATTER OF
24 WHETHER THIS GOES CONSENT OR BE PULLED. AM I
25 MISTAKEN?

1 MS. RICE: WE'LL DOUBLE-CHECK, BUT
2 ORDINARILY IT WOULD HAVE BEEN FORWARDED TO THE
3 BOARD MEETING.

4 CHAIRMAN FRAZEE: SO WE CAN FORWARD IT TO
5 THE BOARD MEETING AND PERHAPS HAVE A LITTLE
6 FURTHER DISCUSSION OF IT.

7 MR. CHANDLER: THAT'S MY RECOMMENDATION,
8 YES.

9 MEMBER JONES: MR. CHAIRMAN, COULD WE
10 INCLUDE AS PART OF THE INFORMATIONAL ITEM THE
11 ISSUES THAT THE COMMITTEE BROUGHT UP AND THE
12 ISSUES THAT THE LEA BROUGHT UP AS PART OF THAT?
13 AND THEN I THINK WE HAD COME UP WITH SOME
14 DIRECTION AS TO SOME FUTURE TALKS AT THE ROUND
15 TABLES AND CLARIFYING A COUPLE OF THINGS THAT, YOU
16 KNOW, SO WE'RE NOT GOING OVER OLD GROUND. IN THE
17 BOARD MEETING WE NEED TO, I THINK, SAY COMMITTEE
18 BROUGHT THESE UP, LEA'S BROUGHT THIS UP.

19 MEMBER RELIS: AS I READ IT, WE WOULD BE
20 SHARING OUR DISCUSSION HERE TODAY. SO IT'S AN --
21 IT REMAINS AN INFORMATION ITEM; BUT IF WE WERE --
22 IF THE COMMITTEE'S SUGGESTION WAS THAT A FORMAL
23 DISCUSSION BE CALENDARED, THAT WOULD PROBABLY
24 OCCUR FIRST IN COMMITTEE, P&E COMMITTEE, I WOULD
25 THINK. SO THAT STILL COULD BE INFORMATIONAL,

1 ISN'T IT?

2 MS. RICE: IT WOULD DEPEND ON WHEN WE'RE
3 LOOKING AT CRAFTING THE ITEM WHETHER WE COME UP
4 WITH SOME REASONABLE OPTIONS FOR CONSIDERATION.
5 IT OFTEN BROADENS YOUR OPTIONS OR IT DEFINITELY
6 BROADENS YOUR OPTIONS TO LIST THESE THINGS FOR
7 CONSIDERATION IF YOU'RE CONTEMPLATING TAKING
8 ACTION. I CAN CERTAINLY WORK WITH STAFF AND MR.
9 FRAZEE'S OFFICE TO CALENDAR A DISCUSSION ON THAT
10 FOCUSED ISSUE OF THE CLOCK AND THE COMPLETENESS
11 FOR SEPTEMBER OR OCTOBER OR WHATEVER SEEMS
12 APPROPRIATE.

13 BUT I THINK MR. CHANDLER WAS JUST
14 SUGGESTING A REPEAT OF THIS INFORMATIONAL ITEM AT
15 THE BOARD MEETING. WE WILL NEED TO DOUBLE-CHECK
16 ON THE BOARD AGENDA. IT IS NOT CLEAR WHETHER THIS
17 WOULD HAVE BEEN FORWARDED AS AN INFORMATIONAL
18 ITEM. VERY OFTEN INFORMATIONAL ITEMS WHERE
19 THERE'S NO ACTION ARE NOT CALENDARED FOR FULL
20 BOARD DISCUSSION, BUT WE CAN CHECK THAT.

21 CHAIRMAN FRAZEE: IF IT IS NOT, THEN WE
22 CAN DO IT WITHIN COMMITTEE REPORT OR MR.
23 CHANDLER'S REPORT.

24 MS. TOBIAS: YOU COULD AND ALSO, BECAUSE
25 THE COMMITTEE MEETING IS SO EARLY THIS MONTH AND

1 THE MEETING IS SO LATE, WE HAVE PLENTY OF TIME TO
2 ADD THIS TO THE AGENDA.

3 CHAIRMAN FRAZEE: THAT WILL SOLVE THAT
4 PROBLEM. OKAY. GOOD.

5 NOW, IT'S FOUR MINUTES TO TWELVE.
6 IS THIS A GOOD TIME TO TAKE A LUNCH BREAK?

7 MEMBER RELIS: UNLESS THERE'S AN ITEM WE
8 CAN DEAL WITH IN TWO MINUTES OR FOUR MINUTES.

9 MS. RICE: ACTUALLY IT SHOULD GO RATHER
10 SWIFTLY.

11 CHAIRMAN FRAZEE: LET'S DO THAT AND
12 ACCOMMODATE YOUR TRAVEL. SO LET'S TAKE ITEM 4,
13 WHICH IS THE CONSIDERATION OF A REVISED SOLID
14 WASTE FACILITY PERMIT FOR THE TAFT SANITARY
15 LANDFILL.

16 MS. RICE: THANK YOU, MR. CHAIRMAN AND
17 MEMBERS. TERRY SMITH WILL MAKE THE STAFF
18 PRESENTATION ASSISTED BY WILLIAM O'RULLIAN WITH
19 THE LOCAL ENFORCEMENT AGENCY.

20 MR. SMITH: MR. CHAIRMAN, COMMITTEE
21 MEMBERS. ITEM 4 REGARDS CONSIDERATION OF A
22 REVISED SOLID WASTE FACILITY PERMIT FOR THE
TAFT

23 SANITARY LANDFILL LOCATED IN KERN COUNTY.

24 CONCURRENCE WITH THIS PERMIT REVISION WILL

UPDATE

25 THE EXISTING 1979 PERMIT AND ALLOW THE
FOLLOWING

1 CHANGES: AN INCREASE IN MAXIMUM DAILY TONNAGE
2 FROM 53 TO 419, MODIFICATION OF WASTE DISPOSAL
3 METHODS, INCLUDING THE USE OF ALTERNATIVE DAILY
4 COVER, ESTABLISHMENT OF AN ESTIMATED CLOSURE DATE
5 OF THE YEAR 2040, THE ADDITION OF A GATEHOUSE,
6 LOADCHECKING PROGRAM, AN OIL AND ANTIFREEZE
7 RECYCLING PROGRAM, CHANGE IN OPERATING HOURS, AND
8 AN INCREASE IN TOTAL CAPACITY FROM 1.9 MILLION TO
9 8.8 MILLION CUBIC YARDS.

10 THIS ITEM, AS INCLUDED IN THE
11 COMMITTEE AGENDA PACKET, DOES NOT CONTAIN STAFF
12 RECOMMENDATION BECAUSE AT THE TIME THE ITEM WAS
13 PREPARED, STAFF HAD NOT YET DETERMINED WHETHER THE
14 PERMIT WAS CONSISTENT WITH PUBLIC RESOURCES CODE
15 50000. A REVISED PROPOSED PERMIT AND RESOLUTION
16 FOR THIS ITEM SHOULD HAVE BEEN PASSED OUT EARLIER
17 AND HOPEFULLY YOU GUYS HAVE THEM.

18 CHAIRMAN FRAZEE: WE DO.

19 MR. SMITH: OKAY. GOOD. ON THE FIRST
20 PAGE OF THE PROPOSED REVISED PERMIT, THERE'S SOME
21 MINOR CHANGES. WE PUT 186 TONS PER DAY

AVERAGE TO

22 BE CALCULATED MONTHLY ON THERE. THESE ARE THE
23 ONLY CHANGES. AND THEN ON THE PAGE 2, UNDER
THE

24 FINDINGS SECTION, THE CORRECT PAGES ARE

REFERENCED

25 IN THE COSWMP NOW.

1 AFTER COMPLETING A REVIEW OF THE
2 PROPOSED PROJECT, THE LEA AND BOARD STAFF HAVE
3 DETERMINED THAT ALL THE STATE AND LOCAL
4 REQUIREMENTS FOR THE PROPOSED PERMIT HAVE BEEN
5 MET. THE FACILITY IS IN CONFORMANCE WITH KERN
6 COUNTY'S SOLID WASTE MANAGEMENT PLAN, THE FACILITY
7 IS CONSISTENT WITH KERN COUNTY'S GENERAL PLAN, THE
8 PROJECT'S DESIGN AND OPERATION ARE IN COMPLIANCE
9 WITH STATE MINIMUM STANDARDS, AND THE CALIFORNIA
10 ENVIRONMENTAL QUALITY ACT REQUIREMENTS HAVE BEEN
11 SATISFIED.

12 STAFF HAVE ANALYZED THE PROPOSED
13 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM
14 TO BE ACCEPTABLE.

15 IN CONCLUSION, STAFF RECOMMEND THAT
16 THE BOARD ADOPT PERMIT DECISION NO. 97-350,
17 CONCURRING WITH THE ISSUANCE OF SOLID WASTE
18 FACILITY PERMIT NO. 15-AA-0061. THE OPERATOR,
19 KERN COUNTY WASTE MANAGEMENT, REPRESENTATIVE, MS.
20 NANCY EWERT IS PRESENT, AND MR. BILL O'RULLIAN IS
21 HERE REPRESENTING THE LEA IF YOU HAVE ANY
22 QUESTIONS. AND THIS CONCLUDES STAFF PRESENTATION.

23 MEMBER RELIS: MR. CHAIR, I JUST WANTED
24 TO ASK. WOULD THIS LANDFILL BE CHARACTERIZED AS A
25 VERTICAL EXPANSION OVER UNLINED?

1 MR. SMITH: WELL, NOT REALLY. I MEAN THE
2 REASON THE CAPACITY IS INCREASING, I KNOW THAT'S
3 WHAT YOU'RE LOOKING AT, IS BECAUSE BEFORE IT WAS
4 CUT AND COVER, I BELIEVE, AND NOW THERE'S LAND
5 SPREADING. AND SO THEY WILL BE GOING UP HIGHER.

6 MEMBER RELIS: COULD WE ASK THE LEA.

7 MR. SMITH: IT'S NOT A LATERAL EXPANSION
8 AND IT'S EXPANDING, SO I GUESS SO.

9 MEMBER RELIS: SO THE FACT IT'S NOT
10 LATERAL, THERE WILL BE NO LINING OF THIS SITE?

11 MR. SMITH: RIGHT. THERE IS A NEW BARROW
12 AREA WHERE THEY'RE GETTING THE COVER MATERIAL NOW.
13 AND WHEN THEY GO INTO THAT SECTION, THAT WILL BE
14 LINED. WHEREVER THEY HAVEN'T HAD WASTE BEFORE
15 WILL BE LINED.

16 MEMBER RELIS: OKAY.

17 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
18 MOTION THAT WE ACCEPT PERMIT NUMBER 97-350.

19 MEMBER RELIS: I'M GOING TO ABSTAIN.

20 CHAIRMAN FRAZEE: I'LL SECOND. DO YOU
21 HAVE ANY COMMENTS, MR. O'RULLIAN? THE OPERATOR?

22 MR. O'RULLIAN: DID YOU WANT TO SPEAK,
23 NANCY?

24 MS. EWERT: NO. NO. I CAN ANSWER
25 ANYTHING.

1 CHAIRMAN FRAZEE: YOU HAVE NOTHING. WE
2 HAVE A MOTION BY MR. JONES AND SECONDED BY THE
3 CHAIRMAN. WILL THE SECRETARY CALL THE ROLL,
4 PLEASE.

5 THE SECRETARY: BOARD MEMBER RELIS.

6 MEMBER RELIS: ABSTAIN.

7 THE SECRETARY: BOARD MEMBER JONES.

8 MEMBER JONES: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN FRAZEE: AYE. MOTION IS
11 CARRIED. THIS WILL APPEAR ON THE REGULAR CALENDAR
12 OF THE BOARD, NOT ON CONSENT.

13 WE'VE HAD A REQUEST TO TAKE ITEM 3
14 ALSO FOR TRAVEL CONSIDERATION, SO LET'S DO THAT.
15 THIS IS THE CONSIDERATION OF A NEW SOLID WASTE
16 FACILITY PERMIT FOR THE CAL-MRT/MRF TRANSFER
17 STATION IN LOS ANGELES COUNTY.

18 MS. RICE: THANK YOU, MR. CHAIRMAN.
19 VIRGINIA ROSALES WILL MAKE THE STAFF PRESENTATION
20 ASSISTED BY KIM YAPP WITH THE LOCAL ENFORCEMENT
21 AGENCY.

22 MS. ROSALES: GOOD AFTERNOON. ITEM
NO. 3

23 IS A NEW PERMIT FOR CAL-MRT/MRF TRANSFER
STATION

24 LOCATED IN THE CITY OF DOWNEY. THE

OWNER/OPERATOR

25 IS CAL SAN. CAL SAN PROPOSES TO CONSTRUCT AND

1 OPERATE A TRANSFER STATION ACCEPTING UP TO 1500
2 TONS PER DAY OF NONHAZARDOUS MSW. THE FACILITY
3 WOULD OPERATE MONDAY THROUGH SUNDAY, 24 HOURS A
4 DAY, FOR THE RECEIPT, HANDLING, AND PROCESSING OF
5 THE WASTE, AND BE OPEN TO THE PUBLIC 6 A.M. TO 9
6 P.M.

7 SINCE THE ITEM WAS PREPARED, STAFF
8 HAVE COMPLETED OUR REVIEW OF THE PERMIT
9 APPLICATION PACKAGE AND FOUND IT TO BE ACCEPTABLE,
10 INCLUDING THE COSWMP AND GENERAL PLAN CONFORMANCE.

11 THE CITY OF DOWNEY PREPARED AN EIR
12 FOR THE PROPOSED PROJECT AND CERTIFIED THE EIR ON
13 JANUARY OF '96. STAFF FINDS THE ENVIRONMENTAL
14 DOCUMENTATION APPROPRIATE FOR THE BOARD'S
15 CONSIDERATION. THEREFORE, STAFF RECOMMENDS THE
16 BOARD ADOPT PERMIT DECISION 97-349, WHICH YOU
17 SHOULD HAVE BEFORE YOU NOW, AND CONCUR IN THE
18 ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.
19 19-AA-0801.

20 THIS CONCLUDES STAFF'S PRESENTATION.
21 I BELIEVE THERE IS A REPRESENTATIVE OF THE
22 OPERATOR PRESENT IF YOU HAVE ANY QUESTIONS.

23 CHAIRMAN FRAZEE: YES. JEFF DUHAMEL.

24 MR. DUHAMEL: NOT NECESSARY.

25 CHAIRMAN FRAZEE: NOT NECESSARY. OKAY.

1 QUESTIONS?

2 BOARD MEMBER JONES: MR. CHAIRMAN, I'D
3 LIKE TO MAKE A MOTION THAT WE ACCEPT PERMIT
4 DECISION NO. 97-349 FOR THE CAL SAN MRF.

5 MEMBER RELIS: SECOND.

6 CHAIRMAN FRAZEE: WE HAVE A HAVE A MOTION
7 AND SECOND ON THE APPROVAL OF THE PERMIT FOR CAL
8 SAN INCORPORATED IN THE CITY OF DOWNEY. SECRETARY
9 WILL CALL THE ROLL ON THAT, PLEASE.

10 THE SECRETARY: BOARD MEMBER RELIS.

11 MEMBER RELIS: AYE.

12 THE SECRETARY: BOARD MEMBER JONES.

13 MEMBER JONES: HERE.

14 THE SECRETARY: CHAIRMAN FRAZEE.

15 CHAIRMAN FRAZEE: AYE. MOTION IS
16 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND
17 CONSENT ON THIS ITEM. AND THANK YOU.

18 NOW LET'S TAKE A LUNCH BREAK. 1:30.
19 WE'LL STAND IN RECESS UNTIL 1:30.

20 (RECESS TAKEN.)

21 CHAIRMAN FRAZEE: MEETING WILL COME TO
22 ORDER AGAIN, PLEASE. WE ARE NOW READY TO PROCEED
23 WITH ITEM 2, WHICH WE OVERLOOKED, CONSIDERATION OF
24 A NEW SOLID WASTE FACILITY PERMIT FOR THE WILLITS
25 SOLID WASTE TRANSFER AND RECYCLING CENTER IN

1 MENDOCINO COUNTY.

2 MS. RICE: THANK YOU, MR. CHAIRMAN AND
3 MEMBERS. RUSS KANZ WILL MAKE THE PRESENTATION FOR
4 STAFF. THE REPRESENTATIVE OF THE LEA WAS UNABLE
5 TO ATTEND TODAY, AND SO RUSS WILL DO THE
6 PRESENTATION.

7 MR. KANZ: ALL ALONE. GOOD AFTERNOON.
8 SOLID WASTE OF THE WILLITS IS PROPOSING TO BUILD
9 AND OPERATE A LARGE VOLUME TRANSFER STATION AND
10 RECYCLING CENTER IN THE CITY OF WILLITS. THE
11 FACILITY WILL ACCEPT SELF-HAULED WASTE THAT IS
12 CURRENTLY BEING DISPOSED AT THE WILLITS LANDFILL,
13 WHICH IS SCHEDULED TO CLOSE THIS YEAR.
14 RECYCLABLES FROM THE CITY AND COUNTY CURBSIDE
15 COLLECTION PROGRAMS WILL ALSO BE ACCEPTED.

16 THE FACILITY WILL RECEIVE 195 CUBIC
17 YARDS OF WASTE BETWEEN THE HOURS OF 9 A.M. AND 5
18 P.M. TUESDAY THROUGH SATURDAY. THE FACILITY AS
19 DESIGNED WILL HAVE SEPARATE AREAS FOR DISPOSING OF
20 MUNICIPAL WASTE, GREEN WASTE, WOODWASTE, METALS
21 AND WHITE GOODS, TIRES, RECYCLABLES, AND
22 CALIFORNIA REDEMPTION VALUE CONTAINERS. WASTE
23 FROM THE FACILITY WILL BE SHIPPED TO THE UKIAH
24 LANDFILL FOR DISPOSAL.

25 WHEN THE AGENDA ITEM WENT TO
PRINT,

1 CONFORMANCE WITH THE COUNTY SOLID WASTE SOLID
2 WASTE MANAGEMENT PLAN HAD NOT BEEN DETERMINED.
3 THE LEA HAS SINCE CERTIFIED THE SITE DESCRIP-
4 TION -- EXCUSE ME -- THE SITE IDENTIFICATION AND
5 DESCRIPTION OF THE FACILITY WERE SUBMITTED TO THE
6 TASK FORCE IN CONFORMANCE WITH PUBLIC RESOURCES
7 CODE SECTION 50000(A)(4). AN AMENDED COPY OF THE
8 PERMIT WITH THE 15-PERCENT RECOVERY RESTRICTION,
9 AS REQUIRED BY THIS SECTION, WAS SUBMITTED TO YOU
10 THIS MORNING. IT HAS ALSO BEEN DETERMINED THAT
11 THE FACILITY CONFORMS WITH THE GENERAL PLAN.

12 AFTER THE PROPOSED PERMIT WAS
13 SUBMITTED, IT WAS DETERMINED THAT THE NEGATIVE
14 DECLARATION FOR THIS PROJECT HAD NOT BEEN
15 CIRCULATED THROUGH THE STATE CLEARINGHOUSE. THE
16 NEGATIVE DECLARATION WAS SUBMITTED TO THE
CLEARING

17 HOUSE ON JULY 21ST. BOARD STAFF PROVIDED
COMMENTS

18 ON THE PROJECT ON AUGUST 5TH. THE COMMENT
PERIOD

19 WILL END ON AUGUST 20TH.

20 BOARD STAFF REVIEWED THE NEGATIVE
21 DECLARATION AND FOUND IT ADEQUATE FOR THE
BOARD'S

22 USE. IF THERE ARE NO SUBSTANTIVE COMMENTS

23 SUBMITTED TO THE LEAD AGENCY AT THE END OF THE
24 COMMENT PERIOD ON AUGUST 20TH, THE STAFF
RECOMMEND
25 THAT THE BOARD CONCUR IN THE ISSUANCE OF SOLID

1 WASTE FACILITIES PERMIT NO. 23-AA-0038. SOLID
2 WASTE FACILITIES PERMIT DECISION NO. 97-348 WILL
3 BE PREPARED AT THE END OF THE COMMENT PERIOD.

4 MEMBER RELIS: MR. CHAIR, IS THE
5 RECOMMENDATION, THEN, TO CONCUR IN COMMITTEE OR
6 UNLESS --

7 CHAIRMAN FRAZEE: FORWARD WITHOUT
8 RECOMMENDATION.

9 MR. KANZ: WELL, WE'RE RECOMMENDING
10 CONCURRENCE ON THIS. IF THERE WERE COMMENTS,
11 SUBSTANTIVE COMMENTS, RECEIVED DURING THE COMMENT
12 PERIOD, THEN IT WOULD BE BROUGHT TO THE BOARD. IT
13 WOULD BE SCHEDULED FOR THE BOARD MEETING, BUT IT
14 COULD BE PLACED ON THE CONSENT AND PULLED OFF OF
15 THAT IF THERE WAS A PROBLEM.

16 MS. RICE: YOU COULD DO IT EITHER WAY,
17 YOUR PREFERENCE, EITHER FORWARD IT WITHOUT
18 RECOMMENDATION PENDING CLOSURE OF THE COMMENT
19 PERIOD OR FORWARD IT WITH A RECOMMENDATION THAT
20 COULD BE REVISITED IF ANY ISSUES DO ARISE IN THE
21 COMMENT PERIOD. WE'RE NOT ANTICIPATING ANY.
22 THAT'S WHY RUSS RECOMMENDED IT THAT WAY, RECOMMEND
23 CONCURRENCE; AND IF ANY ISSUES ARISE, THEY'D BE
24 DESCRIBED TO YOU AT THE BOARD MEETING.

25 MR. KANZ: THIS IS THE SECOND NEG DEC

1 THAT WAS CIRCULATED. THERE'S ALREADY BEEN A CUP
2 ISSUED AND EVERYTHING, SO WE ASSUME THERE WILL NOT
3 BE ANY NEW COMMENTS.

4 MEMBER JONES: THE NEG DEC WAS
5 DISTRIBUTED LOCALLY. IT JUST DIDN'T GO TO STATE
6 CLEARINGHOUSE, RIGHT?

7 MR. KANZ: RIGHT. THEY DIDN'T GO THROUGH
8 THE CLEARINGHOUSE.

9 MEMBER JONES: SO IT WAS DONE LOCALLY AND
10 THERE WEREN'T ANY ISSUES?

11 MR. KANZ: CUP WAS ISSUED.

12 MEMBER JONES: CUP WAS ISSUED.

13 MR. KANZ: RIGHT.

14 MEMBER JONES: I MOVE -- I DON'T HAVE A
15 RESOLUTION NUMBER. THAT WILL COME LATER. SO --

16 MR. KANZ: WE WILL HAVE TO DO THE
17 RESOLUTION AT THE END OF THE COMMENT PERIOD.

18 MEMBER JONES: SO YOU CAN FILL IN THE
19 BLANK HERE?

20 MR. KANZ: RIGHT.

21 MEMBER JONES: I PROPOSE CONCURRENCE
WITH

22 PERMIT NUMBER "PSST."

23 MR. KANZ: IT'S 97-348.

24 MEMBER RELIS: I'LL SECOND IT,
ASSUMING

25 THAT THE PROVISIO IS IF ANY -- IF AN ISSUE
ARISES,

1 THEN THIS WOULD COME BACK TO THE BOARD.

2 MEMBER JONES: PULLED OFF CONSENT OR
3 WHATEVER.

4 CHAIRMAN FRAZEE: OKAY. WE HAVE A
MOTION

5 AND SECOND, THEN, TO CONCUR IN THE ISSUANCE
OF A

6 NEW SOLID WASTE FACILITY PERMIT FOR THE
WILLITS

7 SOLID WASTE TRANSFER AND RECYCLING CENTER
WITH THE

8 PROVISIO THAT THE CEQA DOCUMENT MUST BE
COMPLETED

9 PRIOR TO THE ISSUANCE OF THE PERMIT. IS THAT
A

10 FAIR STATEMENT?

11 MR. KANZ: ISSUED AND NO SUBSTANTIVE
12 COMMENTS RECEIVED BY THE LEAD AGENCY.

13 CHAIRMAN FRAZEE: SECRETARY CALL THE
ROLL

14 ON THAT.

15 THE SECRETARY: BOARD MEMBER RELIS.

16 MEMBER RELIS: AYE.

17 THE SECRETARY: BOARD MEMBER JONES.

18 MEMBER JONES: AYE.

19 THE SECRETARY: CHAIRMAN FRAZEE.

20 CHAIRMAN PENNINGTON: AYE. MOTION
IS
21 CARRIED WITH THE SUGGESTION THAT THIS COULD
GO ON
22 THE CONSENT AND THEN BE PULLED IF THERE IS AN
23 ISSUE, SO WE'LL RECOMMEND IT FOR THE CONSENT.
24 NOW WE CAN GO TO ITEM 8, AND
THIS IS
25 THE CONSIDERATION OF THE ADOPTION OF A
NEGATIVE

1 DECLARATION AND THE PROPOSED REGULATIONS FOR
2 STORAGE AND CHIPPING AND GRINDING ACTIVITIES.
3 STAFF REPORT ON THIS ONE.

4 MS. RICE: THANK YOU, MR. CHAIRMAN.
5 BRIAN LARIMORE WILL HAVE A STAFF REPORT, ASSISTED
6 BY ELLIOT BLOCK OF THE LEGAL OFFICE.

7 MR. LARIMORE: GOOD AFTERNOON, MR.
8 CHAIRMAN, COMMITTEE MEMBERS. I'D LIKE TO UPDATE
9 THE COMMITTEE ON WHERE WE ARE IN THE RULEMAKING
10 FOR THE STORAGE AND CHIPPING AND GRINDING
11 REGULATIONS.

12 THE BOARD ON FEBRUARY 26TH ADOPTED
13 EMERGENCY REGULATIONS FOR CHIPPING AND GRINDING
14 AND THE STORAGE OF ORGANIC MATERIALS, INCLUDING
15 THE STORAGE OF FEEDSTOCK AND GROWTH MEDIUM AT
16 VERMICOMPOSTING ACTIVITIES. THE REGULATIONS WERE
17 APPROVED BY THE OFFICE OF ADMINISTRATIVE LAW AND
18 EFFECTIVE ON APRIL 7TH OF THIS YEAR.

19 AN EXTENSION OF THE 120-DAY TIME
20 PERIOD FOR EMERGENCY REGULATIONS WAS RECENTLY
21 GRANTED BY OAL. THE EXTENSION IS THROUGH
22 DECEMBER

23 1ST OF THIS YEAR. THE 45-DAY PUBLIC COMMENT
24 PERIOD ENDED ON JULY 15TH, AND THE FIRST 15-
25 DAY

26 COMMENT PERIOD FINISHED ON AUGUST 1ST.

APPROXI-
25 MATELY 600 INTERESTED PARTIES WERE INCLUDED IN
THE

1 MAILINGS FOR THESE COMMENT PERIODS.

2 A NEGATIVE DECLARATION HAS BEEN
3 CIRCULATED TO RESPONSIBLE AGENCIES THROUGH THE
4 STATE CLEARINGHOUSE, AND THE COMMENT PERIOD FOR
5 THE NEGATIVE DECLARATION ENDS ON AUGUST 25TH.

6 STAFF RECEIVED SIX COMMENT LETTERS
7 DURING THE 15-DAY COMMENT PERIOD. IN GENERAL, THE
8 COMMENTS FALL INTO THREE BROAD CATEGORIES:
9 COMMENTS OUTSIDE THE SCOPE OF THE REGULATIONS THAT
10 ARE RELATED TO OTHER REGULATORY AREAS, SUCH AS
11 WATER QUALITY, COMMENTS REQUESTING CLARIFYING
12 CHANGES, AND COMMENTS REQUESTING MORE SIGNIFICANT
13 CHANGES. COMMENTS OUTSIDE THE SCOPE OF THESE
14 REGULATIONS WILL BE CONSIDERED AS PART OF THE
15 ORGANICS REGULATIONS DEVELOPMENT SEPARATE FROM
16 THIS RULEMAKING, WHICH BEGAN IN MAY.

17 STAFF WILL ADDRESS REQUESTS FOR
18 CLARIFICATION IN THE FOLLOWING WAYS: FIRST, IN
19 THE FINAL STATEMENT OF REASONS; SECOND, COMMENTS
20 WILL BE ADDRESSED AS PART OF THE RULEMAKING
21 RECORD; AND, THIRD, THE DRAFT ADVISORY ON THE
22 EMERGENCY REGULATIONS WILL BE REVISED.

23 CONCERNS WITH THE DEFINITION OF
24 MARKET PRODUCT WERE RAISED DURING THE 15-DAY
25 COMMENT PERIOD. THIS ISSUE WAS DISCUSSED AT THE

1 JULY 15TH COMMITTEE MEETING, AND STAFF STILL
2 BELIEVE THE REGULATIONS PROPOSED FOR THE FIRST
3 15-DAY COMMENT PERIOD ARE APPROPRIATE. THE MAIN
4 CONCERN SEEMED TO BE WITH THE PRECEDENT IT WOULD
5 SET FOR DEFINING WHAT IS AND ISN'T SOLID WASTE.
6 HOWEVER, STAFF HAVE DRAFTED ALTERNATIVE LANGUAGE
7 TO ADDRESS THIS CONCERN. COMMITTEE MEMBERS HAVE
8 RECEIVED COPIES OF THIS PROPOSAL FOR ADDITIONAL
9 REVISIONS TO THE EMERGENCY REGULATIONS FOR AN
10 ADDITIONAL 15-DAY COMMENT PERIOD. ADDITIONAL
11 COPIES FOR MEMBERS OF THE AUDIENCE CAN BE FOUND AT
12 THE TABLE IN THE BACK OF THE ROOM.

13 THE DEFINITION OF MARKET PRODUCT AND
14 ANY REFERENCES TO IT WOULD BE DELETED FROM THE
15 CHAPTER, BUT THIS PROPOSED LANGUAGE WOULD STILL
16 SUBJECT ORGANIC MATERIALS TO THE STORAGE AND
17 CHIPPING AND GRINDING STANDARDS UNTIL IT LEAVES
18 THE SITE.

19 THE OPTIONS FOR THE COMMITTEE ARE,
20 ONE, APPROVE THE PROPOSED REGULATIONS AND FORWARD
21 THESE TO THE FULL BOARD FOR THEIR CONSIDERATION
22 FOR ADOPTION AT THE AUGUST 27TH BOARD MEETING;
23 TWO, PROVIDE STAFF WITH GUIDANCE AND DIRECT STAFF
24 TO MODIFY THE PROPOSED REGULATIONS AND NOTICE
25 THESE FOR AN ADDITIONAL 15-DAY PUBLIC COMMENT

1 PERIOD. STAFF RECOMMEND OPTION 1. THIS CONCLUDES
2 MY PRESENTATION.

3 CHAIRMAN FRAZEE: OKAY. IS THERE ANY
4 DISCUSSION? IF NOT, WE HAVE SEVERAL COMMENTERS ON
5 THIS. LET'S START WITH LINDA NOVICK.

6 MS. NOVICK: MY NAME IS LINDA NOVICK. I
7 WORK WITH THE BIOGROW DIVISION OF WHEELABRATOR
8 WATER TECHNOLOGIES, AND I'M HERE TODAY TO -- WELL,
9 YOU HAVE MY LETTER. AND I WASN'T AWARE OF THE
10 EXPLICIT OPTIONS BEFORE TODAY, BUT I THINK WE
11 WOULD URGE OPTION 2, WHICH WOULD BE TO REOPEN IT
12 FOR ANOTHER 15 DAYS.

13 ACTUALLY THAT'S A DISAPPOINTING
14 RECOMMENDATION FOR US BECAUSE WE WERE ACTUALLY
15 HOPING THAT THE CHIPPING AND GRINDING WOULD HAVE
16 BEEN DEALT WITH IN THE INITIAL COMPOSTING
17 REGULATIONS. WE THINK THIS IS A VERY IMPORTANT
18 PACKAGE, AND WE'D LIKE IT TO GO FORWARD AS QUICKLY
19 AS POSSIBLE. HOWEVER, WE DID NOT COMMENT DURING
20 THE 45 DAYS, THE FIRST 45 DAYS, BECAUSE THE
21 DEFINITION AT THAT TIME DIDN'T ADDRESS THIS ISSUE
22 OF WHAT'S A WASTE AND WHAT'S NOT A WASTE.

23 AND I DON'T THINK THIS IS AN ISSUE
24 THAT'S NEW TO THIS BOARD. I THINK EVERY TIME WE
25 COME UP HERE WE DISCUSS THAT THIS ISSUE HAS TO BE

1 DISCUSSED. WE REALLY NEED A FULL INVESTIGATION OR
2 A DECISION ONE WAY OR THE OTHER, BUT TO MAKE THAT
3 DECISION IN THE LAST 15-DAY OR THE FIRST 15-DAY
4 COMMENT PERIOD ON THE CHIPPING AND GRINDING
5 REGULATIONS DOES NOT SEEM TO US THE APPROPRIATE
6 PLACE TO DO IT.

7 SO I THINK THAT OUR FEELING IS THAT
8 WE ONLY WORK IN BENEFICIAL USE. WE WORK IN
9 PROCESSES TO CREATE MARKET PRODUCTS. AND IT IS
10 HARD FOR US TO BE READING DEFINITIONS OF MARKET
11 PRODUCT COMING OUT FROM THE WASTE BOARD THAT SAY
12 WE WILL NEVER HAVE A MARKET PRODUCT SITTING ON OUR
13 SITE. IT'S ONLY A MARKET PRODUCT WHEN IT MOVES
14 OFF THE SITE.

15 IN ADDITION, WE ACTUALLY SUPPORT THE
16 LEA'S BEING ABLE TO COME OUT TO BOTH OUR
17 FACILITIES AND OTHER FACILITIES TO NOT HAVE TO
18 CONSTANTLY CHANGE THEIR HAT BETWEEN THE HEALTH
19 DEPARTMENT AND THE WASTE BOARD WHEN THEY'RE OUT
20 THERE. SO WE REALLY DON'T HAVE A PROBLEM WITH
21 THEM LOOKING AT ALL THE PRODUCTS ON THE SITE TO
22 MAKE A DECISION WHETHER IT'S A NUISANCE, A HEALTH
23 AND SAFETY CONCERN, OR IT'S DECOMPOSING WHEN IT'S
24 NOT SUPPOSED TO BE. BUT WE DO FEEL THAT THE
25 LANGUAGE IN THE FIRST 15-DAY COMMENT PERIOD WENT

1 BEYOND THAT. SO IF YOU HAVE ANY QUESTIONS. CHUCK
2 WHITE ASKED ME ALSO TO SAY THAT WASTE MANAGEMENT
3 ALSO AGREES WITH THAT POSITION.

4 CHAIRMAN FRAZEE: OKAY.

5 MS. NOVICK: ANY QUESTIONS.

6 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,
7 THANK YOU. NOW DONALD KOEPP, REPRESENTING VENTURA
8 COUNTY LEA.

9 MR. KOEPP: MR. CHAIR, MEMBERS OF THE
10 COMMITTEE, MY NAME IS DON KOEPP, ENVIRONMENTAL
11 HEALTH DIRECTOR WITH THE COUNTY OF VENTURA AND
12 REPRESENTING THE LEA TODAY.

13 I'D LIKE TO, FIRST OF ALL, THANK
14 BRIAN LARIMORE AND ELLIOT BLOCK FOR THEIR
15 ASSISTANCE IN KIND OF GUIDING US THROUGH SOME OF
16 THE INTRICACIES AS IT RELATES TO HOW TO ENFORCE
17 THESE REGULATIONS THAT ARE GOING TO BE IMPORTANT
18 TO US AS WE MOVE FORWARD BY THE TIME THESE ARE
19 ADOPTED.

20 MY COMMENTS TODAY REALLY -- I HAVE
21 ONE, I GUESS, SUBSTANTIVE COMMENT AND THE OTHER
22 ONE HAS TO DO WITH GUIDANCE FROM THE BOARD AND
23 PERHAPS SOME WAY THEY COULD CLARIFY THE LANGUAGE
24 IN THE CURRENT PERMITS AS THEY RELATE TO WHAT
25 ENFORCEMENT ACTIONS ARE AVAILABLE TO LEA'S FOR

1 OPERATIONS, CHIPPING AND GRINDING AND STORAGE
2 OPERATIONS, THAT ARE NOT AT A SOLID WASTE
3 FACILITY; THAT IS, THEY'RE OUTSIDE, THEY'RE
4 EXCLUDED FROM ANY OF THE PERMITTING TIERS THAT
5 YOUR BOARD HAS FOR STANDARD NOTIFICATION,
6 REGISTRATION, ETC. THESE FACILITIES WILL BE
7 OPERATING AND HAVE STANDARDS OUTSIDE OF THAT.

8 NOW, WHAT I WOULD HOPE WE COULD
9 PROBABLY PROVIDE SOME CLARIFICATION HERE IS WHAT
10 ENFORCEMENT ACTIONS ARE AVAILABLE TO THE LEA TO
11 DEAL WITH PROBLEMS WHEN WE HAVE ODORS, FIRES, AND,
12 ETC.

13 ELLIOT HAS DISCUSSED THIS MATTER
14 WITH MY LEGAL COUNSEL. AND BASICALLY WE WOULD ASK
15 THE BOARD IF THERE COULD BE ADDITIONAL
16 CLARIFICATION LANGUAGE IN HERE AS TO THE
17 ENFORCEMENT ACTIONS THAT ARE AVAILABLE TO THE
18 LEA'S TO ENFORCE THE STANDARDS THAT YOUR BOARD IS
19 GOING TO BE ADOPTING SOMETIME DOWN THE ROAD.

20 MR. BLOCK: I DID HAVE A DISCUSSION WITH
21 BILL MORITZ, WHO'S THE DEPUTY COUNTY COUNSEL FOR
22 VENTURA COUNTY, ABOUT 4 O'CLOCK YESTERDAY, AND WE
23 HAD SOME TIME THIS MORNING WHILE SOME OTHER BOARD
24 ITEMS WERE GOING ON. IF THE COMMITTEE WANTS TO
25 DISCUSS IT, THEN WE CAN DISCUSS THOSE NOW OR
AFTER

1 ALL THE OTHER COMMENTERS ARE THROUGH. THERE'S
2 SOME LANGUAGE THAT MR. KOEPP HAD INDICATED WOULD
3 DEAL WITH THE ISSUE THAT HE'S RAISED. I DON'T
4 KNOW IF YOU WANT TO TALK ABOUT THOSE NOW OR WAIT
5 TILL EVERYBODY HAS HAD A CHANCE TO COMMENT.

6 CHAIRMAN FRAZEE: WELL, MAYBE WE CAN
7 DISPOSE OF THAT ISSUE RIGHT NOW WHILE HE'S HERE
8 ALSO.

9 MR. BLOCK: JUST VERY BRIEFLY, THE ISSUE
10 THAT'S BEEN RAISED, WHEN WE DID THE TIER
11 REGULATIONS -- AT THIS POINT NOW IT'S ABOUT THREE
12 YEARS AGO -- WE ADDED SOME CLARIFYING LANGUAGE TO
13 THOSE REGULATIONS THAT IN THE NOTIFICATION TIER
14 AND THE EXCLUDED TIER SPECIFYING THAT NOTHING IN
15 THESE REGULATIONS PRECLUDES THE ENFORCEMENT AGENCY
16 OR THE BOARD FROM INSPECTING OPERATIONS TO VERIFY
17 WHETHER THEY SHOULD BE IN THAT TIER OR NOT,
18 INSPECTING TO VERIFY THAT THEY'RE COMPLYING WITH
19 THE MINIMUM STANDARDS AND/OR TAKING ENFORCEMENT
20 ACTION.

21 WHAT MR. KOEPP AND I AND MR. MORITZ
22 AND I TALKED ABOUT WAS TAKING THAT SAME LANGUAGE.
23 WE DON'T ACTUALLY HAVE THE LANGUAGE IN THE
24 CHIPPING AND GRINDING SECTION AND IN THE STORAGE
25 SECTIONS, SO WHAT WE'D BE TALKING ABOUT IS

1 BASICALLY TAKING THE SAME LANGUAGE AND ALSO ADDING
2 A SUBSECTION TO EACH OF THOSE STANDARDS SO THAT
3 THERE'S NO QUESTION AS TO WHAT THE ENFORCEMENT
4 AUTHORITY IS.

5 THE LANGUAGE ISN'T IN THOSE SECTIONS
6 NOW SIMPLY BECAUSE AUTHORITY IS THERE UNDER
7 STATUTE. AND WHAT MR. MORITZ AND MR. KOEPP ARE
8 ASKING FOR IS JUST SOME SPECIFIC LANGUAGE IN THE
9 REGULATIONS SO IT BASICALLY MAKES THEIR JOB A LOT
10 EASIER. THEY DON'T HAVE TO GET INTO LONG
11 DISCUSSIONS ABOUT WHETHER THEY CAN TAKE THIS
12 ENFORCEMENT ACTION. THEY CAN SIMPLY POINT TO THE
13 LANGUAGE IN THE REGULATIONS. SO THIS WOULD BE
14 SOMETHING THAT COULD ALSO BE PART OF THE OPTIONAL
15 LANGUAGE.

16 LET ME TAKE ANOTHER MOMENT. I CAN
17 ACTUALLY SHOW YOU WHAT IT LOOKS LIKE ON THE
18 MONITOR.

19 IT'S VIRTUALLY -- IT WOULD BE
20 VIRTUALLY THE SAME FOR -- IT WOULD BE VIRTUALLY
21 THE SAME FOR THE CHIPPING AND GRINDING SECTION AND
22 THE STORAGE SECTION, JUST ADDING ANOTHER
23 SUBSECTION TO EACH OF THOSE. I CAN ACTUALLY PASS
24 THIS AROUND. I DID THIS OVER LUNCH WHILE YOU HAD
25 A LUNCH BREAK JUST VERY QUICKLY, THINKING IT MIGHT

1 BE USEFUL.

2 THIS IS THE SAME LANGUAGE WITH SOME
3 SLIGHT VARIATIONS THAT APPEARS IN THE NOTIFICATION
4 TIER SECTION RIGHT NOW. ALL I'VE CHANGED IS
5 REFERENCES TO SUBSECTION A AND B, AND THOSE
6 SECTIONS USE THE TERM "ACTIVITY," AND SO I'VE USED
7 THAT IN THIS SECTION.

8 MR. CHANDLER: ELLIOT, WHY WAS IT AGAIN
9 THAT THIS WASN'T OR ISN'T ALREADY EMBODIED
10 IN THE --

11 MR. BLOCK: THE ORIGINAL VERSION OF THE
12 TIER REGULATIONS DIDN'T ACTUALLY HAVE THIS
13 LANGUAGE AS WELL; AND WHILE THOSE REGULATIONS WERE
14 GOING THROUGH THE PROCESS, THERE WERE SOME
15 REQUESTS FOR CLARITY ABOUT THIS ISSUE. SO AT THAT
16 POINT -- AT THAT TIME AND ALSO FOR THESE
17 REGULATIONS, IT'S THE LEGAL OFFICE'S POSITION THAT
18 THIS AUTHORITY EXISTS WHETHER OR NOT IT'S IN THE
19 REGULATIONS. AND MR. MORITZ AGREED THAT WE HAVE
20 THE AUTHORITY. SO IT WAS ADDED TO THOSE
21 REGULATIONS MORE FOR PURPOSES OF CLARITY BECAUSE
22 THE QUESTION HAD COME UP.

23 BASICALLY THIS IS NOW THE FIRST TIME
24 THAT THIS QUESTION HAS COME UP IN THE CONTEXT OF
25 THESE REGULATIONS, AND THAT'S WHY IT WASN'T PUT IN

1 MEANT TO MENTION A LITTLE BIT EARLIER IN TERMS OF
2 THE OPTIONAL LANGUAGE, WE HAVE ACTUALLY
DETERMINED

3 THAT WE WOULD BE ABLE TO FIT A 15-DAY COMMENT
4 PERIOD IN BEFORE THE AUGUST BOARD MEETING SO THAT
5 WE WOULDN'T BE PUSHED BACK ANOTHER MONTH ON
THESE.

6 SO -- BUT IT'S CERTAINLY MY POSITION WE COULD DO
7 THIS WITHOUT DOING THE OTHER CHANGE, WITHOUT
DOING

8 A 15-DAY.

9 CHAIRMAN FRAZEE: OKAY. THANK YOU.

10 MR. KOEPP: MR. CHAIR, I HAD ONE OTHER
11 COMMENT. I APOLOGIZE FOR INTERRUPTING.

12 CHAIRMAN FRAZEE: OH, OKAY. FINE.

13 MR. KOEPP: MY OTHER COMMENT HAD TO DO
14 WITH THE SEVEN-DAY TIMEOUT PERIOD AS IT RELATES
TO

15 THESE FACILITIES, CHIPPING AND GRINDING AND
16 MULCHING. IT'S BEEN OUR EXPERIENCE THAT ACTUALLY
17 IT CAN BE PROBLEMATIC WHEN MATERIALS ARRIVE; THAT
18 IS, THERE CAN BE NUISANCE CONDITIONS ALREADY IN
19 EXISTENCE WHEN MATERIAL ARRIVES AT A SITE. AND
20 BEYOND THE ISSUE OF DETERMINING WHEN THE SEVEN-
DAY

21 BEGINS AND WHEN THE SEVEN-DAY ENDS, WHICH IS

22 OBVIOUSLY GOING TO CAUSE SOME DISCUSSION BETWEEN
23 LEA'S AND OPERATORS OF THESE FACILITIES, OUR
24 EXPERIENCE HAS BEEN THAT MATERIAL SOMETIMES HAS
25 EVEN ARRIVED ON FIRE, MUCH LESS SITTING AROUND
FOR

1 SEVEN DAYS AFTER BEING PROCESSED AND RESULTING IN
2 THE PROBLEM.

3 SO MY REQUEST WOULD BE JUST TO --
4 STAFF MAY HAVE A RATIONALE FOR THIS, BUT JUST TO
5 POINT OUT TO THE BOARD THAT THERE ARE PROBLEMS
6 WITH MATERIALS THAT ARRIVE ON THESE SITES PRIOR TO
7 THE SEVEN DAYS.

8 THERE'S ALSO AN UNEQUAL
9 ENFORCEMENT -- PERHAPS AN UNEQUAL ENFORCEMENT
10 ISSUE HERE THAT IF YOU HAVE A FACILITY LOCATED ON
11 A SOLID WASTE FACILITY, THERE IS NO SEVEN-DAY
12 GRACE PERIOD BECAUSE WE'RE APPLYING MINIMUM
13 STANDARDS. AND SO IF, IN FACT, THAT MATERIAL IS
14 CAUSING NUISANCE CONDITIONS, THEN IT'S MY
15 UNDERSTANDING THEY WOULD BE SUBJECT TO THE
16 REGULATIONS, THE MINIMUM STANDARDS, FOR THAT
17 FACILITY.

18 SO I JUST WANTED TO RAISE THAT
19 QUESTION, THAT THE SEVEN DAYS, I'M NOT SURE WHAT
20 THE BASIS FOR THAT SEVEN-DAY TIMEOUT OR GRACE
21 PERIOD WAS BEFORE YOU CAN APPLY ANY REGULATIONS
OR
22 ENFORCEMENT. THAT'S JUST A COMMENT.

23 CHAIRMAN FRAZEE: DO YOU HAVE THE
SECTION

24 ON THAT? I SEE THE SEVEN DAYS AS RELATES TO

25 MAINTAINING RECORDS, BUT SEVEN DAYS WITH THE --

65

1 INDICATING THE PROHIBITION.

2 MR. KOEPP: WELL, IT'S MY UNDERSTANDING
3 MAYBE THE MATERIAL STORED ON SITE FOR SEVEN DAYS
4 IS EXCLUDED FROM THE STORAGE AND GRINDING, STORAGE
5 REQUIREMENTS, STORAGE, CHIPPING AND GRINDING
6 REQUIREMENTS. SO IT SEEMED TO ME, AS I READ THE
7 REGULATION, THAT SOMEHOW FOR SEVEN DAYS AFTER A
8 MATERIAL HAS ARRIVED AT A SITE TO BE CHIPPED AND
9 GROUND OR PERHAPS EVEN AFTER THAT, THAT THERE IS
10 SOMEHOW A SEVEN-DAY PERIOD BY WHICH AN LEA MAY NOT
11 BE ABLE TO TAKE AN ENFORCEMENT ACTION. IS THAT --

12 MR. BLOCK: I THINK IT'S PAGE 69 OF YOUR
13 PACKETS, SECTION 17862.1(B)(1) AND 17862.2(B)(1).
14 AND IT'S PHRASED IN KIND OF A BACKWARDS WAY, IF
15 YOU WILL, WHERE THE EXCLUSION IS IF THE RECORDS
16 INDICATE THAT THE MATERIAL HAS BEEN ON SITE FOR
17 LESS THAN SEVEN DAYS. AND THE REASON IT'S
WORDED

18 THAT WAY IS TO GET AT THIS ISSUE OF HAVING TO
19 DETERMINE WHETHER IT'S BEEN THERE SEVEN DAYS; IN
20 OTHER WORDS, PUTS THE BURDEN ON THE OPERATOR TO
21 SHOW FROM RECORDS THAT, IN FACT, THE MATERIAL
HAS
22 BEEN THERE FOR LESS THAN SEVEN DAYS. THAT'S WHY
23 IT'S PHRASED THAT WAY.

24 CHAIRMAN FRAZEE: ALSO, IN 17855 IS THE

1 CUBIC YARDS OR LESS IS ON SITE AT ANY ONE TIME,
2 STORED FOR SEVEN DAYS OR LESS. SO BY EXCLUSION,
3 THAT THEN INCLUDES EVERYTHING OF MORE THAN A --

4 MR. BLOCK: RIGHT. I THINK THAT -- AND I
5 ONLY -- I MAY HAVE MISSED THE FIRST SENTENCE OR
6 TWO, BUT I BELIEVE WHAT MR. KOEPP IS REFERRING TO
7 IS THE FACT THAT CHIPPING AND GRINDING AND STORAGE
8 ON SITE AT A SOLID WASTE FACILITY ARE NOT COVERED
9 BY THE CHIPPING AND GRINDING REGS THROUGH THE
10 EXCLUSION THAT'S IN SECTION 17862.1 AND .2(B)(3).
11 IT'S THE ONE THAT SAYS ACTIVITIES LOCATED AT AN
12 OPERATION OR FACILITY THAT HAS A TIERED OR FULL
13 PERMIT AND THE ACTIVITY IS IDENTIFIED IN THE
14 REPORT OF FACILITY INFORMATION.

15 THE REASON WHY THAT EXCLUSION IS
16 THERE, THE IDEA WAS THAT THIS ACTIVITY WAS ALREADY
17 GOING TO BE COVERED BY THE EXISTING PERMIT. SO
18 WHAT I THINK MR. KOEPP IS ALLUDING TO IS THE FACT
19 THAT BECAUSE IT'S AN ONGOING FACILITY, IT'S
20 ALREADY SUBJECT TO STANDARDS WITHOUT A SEVEN-DAY
21 AND HE'S USED THE TERM "GRACE PERIOD."

22 MR. KOEPP: IS THAT THE CASE? I GUESS --

23 MR. BLOCK: I GUESS THAT WOULD BE THE
24 CASE. IT'S AN INDIRECT EFFECT. I DON'T THINK WE
25 ACTUALLY THOUGHT ABOUT THAT WHEN THAT EXCLUSION

1 WAS ADDED.

2 MR. KOEPP: YOU KNOW, I JUST ASK THE
3 BOARD TO CONSIDER FROM A SUBSTANTIVE POINT OF VIEW
4 THERE ARE PROBLEMS WITH MATERIAL FROM THE DAY
5 OFTENTIMES IT ARRIVES. SEVEN DAYS, I'M NOT REALLY
6 SURE HOW THAT NUMBER WAS ARRIVED AT OR WHY, BUT
7 THERE ARE PROBLEMS WITH MATERIALS THAT ARRIVE AT
8 THESE SITES THAT ARE STORED LONGER THAN SEVEN DAYS
9 AND REALLY WHEN THEY COME TO THE SITE. JUST ASK
10 YOU TO CONSIDER THAT COMMENT.

11 MR. BLOCK: MY RECOLLECTION WAS THAT THE
12 SEVEN-DAY LANGUAGE WAS ADDED AT THE COMMITTEE
13 MEETING WHEN WE FIRST DECIDED TO GO OUT FOR 45-DAY
14 COMMENT. AND THE CONCERN WAS THAT THESE
15 REGULATIONS WERE DESIGNED TO DEAL WITH, IN
16 ESSENCE, A SHAM DISPOSAL KIND OF A SITUATION.

SO

17 THE THOUGHT WAS THAT WE OUGHT TO AT LEAST HAVE A
18 SITUATION WHERE THE MATERIAL WASN'T JUST QUICKLY
19 MOVING THROUGH THE PROPERTY BEFORE THE STANDARD
20 STARTED TO APPLY TO THEM.

21 MEMBER RELIS: I THINK OUR FOCUS WAS ON
22 STORAGE. WASN'T ON THE RECEIPT OF.

23 MR. BLOCK: THAT WAS MY RECOLLECTION.

24 MR. KOEPP: OKAY. THANK YOU.

25 CHAIRMAN FRAZEE: OKAY. THANK YOU.

NOW

1 WILL BAKX.

2 MR. BAKX: THANK YOU FOR GIVING ME TIME
3 TO COMMENT ON THIS HERE. FIRST OF ALL, LET ME
4 TELL YOU I'M SPEAKING AS SONOMA COMPOST, NOT OF
5 ANY OTHER ORGANIZATION AT THIS POINT BECAUSE I'M
6 NOT ON THE BOARD ANYMORE. LIBERATES ME
7 TREMENDOUSLY TO SPEAK FREELY.

8 LET'S SEE. I THINK THE FIRST THING
9 THAT I WANT TO COMMENT ON IS THE -- THERE IS A
10 SECTION IN THE EMERGENCY REGULATIONS RIGHT NOW
11 UNDER STORAGE THAT PEOPLE THAT ARE UNDER A TIERED
12 PERMIT, THAT THEY ARE EXCLUDED. HOWEVER, ON THE
13 EXCLUSION CHAPTER THERE'S NOTHING MENTIONED ABOUT
14 THAT. AND TO ME THAT WAS CONFUSING WHEN I LOOKED
15 FOR THAT, THAT THERE WAS NO CROSS REFERENCE ON
16 THESE HERE. AND I WOULD HOPE THAT THAT COULD BE
17 CLARIFIED, THAT UNDER EXCLUSION, THE PEOPLE THAT
18 ARE IN TIERED PERMIT, THAT THESE REGULATIONS DO
19 NOT GO TO THEM AS WELL SO THAT WE DO NOT HAVE TO
20 HAVE A SEPARATE STORAGE PERMIT.

21 NEXT THING I WANT TO BRING UP IS FOR
22 VERMICOMPOSTING. I'VE ALWAYS HAD A PROBLEM WITH
23 THIS HERE. I BROUGHT IT UP NUMEROUS TIMES BEFORE
24 RIGHT FROM THE BEGINNING AND QUESTIONED WHY ARE
25 VERMICOMPOSTERS TREATED WITH KID GLOVES. I DO NOT

1 UNDERSTAND. RIGHT NOW, AGAIN, COMPOSTING OF
2 ORGANIC MATERIALS TO SOLELY PRODUCE GROWTH MEDIUM
3 FOR WORM BEDS IS SUBJECT TO THE STORAGE
4 REQUIREMENTS, BUT NOT SUBJECT TO THE BOARD'S
5 PERMITTING REQUIREMENTS. IF YOU COMPOST MATERIAL
6 AND YOU DO THE SAME THING THAT I DO AT MY
7 FACILITY, JUST TO MAKE IT A FEEDSTOCK FOR WORMS,
8 WHY NOT HOLD THEM TO THE SAME STANDARD THAT I HAVE
9 TO BE HELD TO? I DO NOT UNDERSTAND THIS. IF THE
10 BOARD CAN GIVE ME CLARIFICATION ON THAT, I REALLY
11 WOULD APPRECIATE THAT.

12 MEMBER RELIS: I COULD ONLY SAY, HAVING
13 BEEN, UNFORTUNATELY, THE ONLY MEMBER OF THE THREE
14 OF US WHO WERE INVOLVED IN THAT DECISION, WE WERE
15 PERSUADED, I BELIEVE, AT THAT TIME THAT VERMI-
16 COMPOSTING WAS SOMETHING DIFFERENT. YOU KNOW,
17 VERY SMALL PILES THAT DIDN'T BEHAVE, DIDN'T LOOK,
18 BEHAVE LIKE COMPOST. WE'VE PARTIALLY BEEN
19 EDUCATED BY EXPERIENCE. THAT'S WHY WE WENT INTO
20 THE EMERGENCY REGULATIONS BECAUSE OF THE
21 SITUATIONS WHERE IT WAS PILED AND MATERIAL WAS
22 PILED AND WAS BEHAVING LIKE COMPOST -- LIKE A
23 COMPOSTING OPERATION, WHETHER INADVERTENT OR NOT.

24 SO THAT WAS THE SUBJECT OF
25 TESTIMONY, AND WE MADE A CALL THAT IT WAS

1 FUNDAMENTALLY DIFFERENT THAN A COMPOSTING
2 OPERATION. WHETHER WE'RE CORRECT OR NOT IS THE
3 SUBJECT OF OUR REVISITING OUR REGULATIONS.

4 MR. BAKX: I'D LIKE THE BOARD TO REVISIT
5 THAT ISSUE.

6 CHAIRMAN FRAZEE: IT, I THINK, GOES
7 ANOTHER STEP IN THAT THERE'S A FAIR BODY OF
8 THOUGHT THAT VERMICOMPOSTING FALLS UNDER THE
9 CATEGORY OF ANIMAL HUSBANDRY AND IS NO DIFFERENT
10 IN FEEDING WORMS THAN FEEDING CATTLE OR SOME OTHER
11 ANIMAL.

12 MR. BAKX: THAT IS AT THE POINT WHERE THE
13 FEEDSTOCK IS BEING DELIVERED. TO CREATE THE
14 FEEDSTOCK STILL FALLS UNDER THE COMPOSTING
15 REGULATIONS IN MY OPINION.

16 CHAIRMAN FRAZEE: I THINK THAT'S WHAT
17 WE'RE TRYING TO DO HERE IS AT LEAST CLEAN IT UP TO
18 THAT POINT.

19 MR. BAKX: BUT IT'S STILL NOT, ACCORDING
20 TO THIS LANGUAGE, IN MY OPINION, AND TELL ME IF
21 I'M WRONG, UNDER THIS HERE, IT IS SUBJECT TO THE
22 STORAGE REGULATIONS, BUT NOT TO THE TIERED
23 PERMITTING.

24 MEMBER RELIS: THAT'S BECAUSE WE HAVE
25 NOT -- OKAY. YOU'RE LOOKING AT THE EMERGENCY

1 REGULATIONS, AND THE UNDERLYING FACTOR IS OUR
2 PERMANENT REGULATIONS. AND IF WE'RE TO ADDRESS
3 THE CONCERNS THAT YOU'RE RAISING, THAT WOULD HAVE
4 TO BE DONE IN OUR PERMANENT OR OUR TIERED
5 PERMITTING SYSTEM AGAIN.

6 MR. BLOCK: IF I MAY, THIS IS ONE OF THE
7 ISSUES THAT WE HAVE ON THE LIST WHEN WE DO WHAT
8 WE'RE CALLING THE ORGANICS TIER RULEMAKING, ISSUES
9 REGARDING SLOTTING OF THESE TYPE OF OPERATIONS AND
10 WHETHER WE WANT TO REVISIT THESE. IT'S DIFFICULT
11 BECAUSE NOW WE'RE ALREADY INTO AUGUST, AND THESE
12 WERE SUPPOSED TO BE THE QUICK FIX EMERGENCY REGS.

13 THESE REGULATIONS BEFORE YOU WERE
14 DEVELOPED, AS REGULATIONS GO, FAIRLY QUICKLY
15 WITHOUT THE BENEFIT OF WHAT WE TYPICALLY DO WITH A
16 NUMBER OF WORKSHOPS AND DISCUSSIONS WITH VARIOUS
17 GROUPS INVOLVED AND ISSUES REGARDING LEGAL
18 AUTHORITY AND THE LIKE. AND SO WHAT WE WANTED TO
19 DO WAS MAKE SURE WE HAD SOME STANDARDS THAT
20 APPLIED, BUT AT THE SAME TIME WE WEREN'T FINISHING
21 LOOKING AT THE ISSUE.

22 ONE OF THE ISSUES THAT HAS COME UP
23 IN THE PAST WITH VERMICOMPOSTING IS THE FACT THAT
24 IS IN THE FOOD AND AGRICULTURAL CODE IDENTIFIED AS
25 A TYPE OF AGRICULTURE. AND SO SIMILAR TO WHAT

1 WE'VE DONE WITH SOME OF THE AGRICULTURAL
2 COMPOSTING OPERATIONS IN THE REGULATIONS, WE WERE
3 NOT READY IN THESE REGULATIONS TO PUT THEM INTO A
4 PERMITTING TIER BECAUSE THERE ARE SOME SIGNIFICANT
5 ISSUES THERE REGARDING WHAT THE APPROPRIATE LEVEL
6 OF REGULATORY CONTROL, LEGAL AUTHORITY ISSUES, AND
7 THE LIKE. AND SO WHAT WE DID ADD IN THE LAST
8 15-DAY COMMENT PERIOD WAS THE LANGUAGE THAT SAYS
9 THAT IT IS SUBJECT TO THIS SECTION. THE ORIGINAL
10 VERSION OF THE EMERGENCY REGULATIONS SIMPLY SAID
11 "NOT SUBJECT TO THE PERMITTING REQUIREMENTS," AND
12 THAT HAD CAUSED SOME CONFUSION. SO WE MADE CLEAR
13 THAT THEY ARE SUBJECT TO THE STORAGE STANDARDS.

14 AND, OF COURSE, IF THE COMPOSTING
15 IS
16 GOING ON AND THE MATERIAL IS ALSO BEING SOLD AS
17 COMPOST SEPARATE FROM JUST BEING USED IN THE WORM
18 BEDS, THEN THEY WOULD FALL WITHIN THE COMPOSTING
19 REQUIREMENTS. AND THAT'S THE PHRASE "COMPOSTING
20 FACILITY PRODUCED GROWTH MEDIUM FOR WORMS." SO
21 IF
22 YOU ARE PRODUCING GROWTH MEDIUM, SOME OF IT'S
23 GOING TO THE WORMS AND SOME OF IT IS BEING SOLD
AS
COMPOST, THAT WOULD PULL THE OPERATION BACK INTO
THE COMPOSTING TIERS.

24 MR. BAKX: ANOTHER COMMENT I WANT TO
MAKE
25 IS REGARDING TO MULCHING FACILITIES. THE WORD

1 BEING USED HERE IS "INADVERTENTLY COMPOSTING."
2 I'M KIND OF WARY OF THAT TERMINOLOGY. I WAS WARY
3 OF THAT IN THE EARLY '90S WHEN THAT CAME UP. I
4 CALL IT COMPOSTING BY NEGLECT, AND I STILL HOLD
BY
5 THAT TERM.

6 I THINK THAT WE NEED TO COME UP
WITH
7 SOMETHING THAT IS MORE SPECIFIC. IF THE MATERIAL
8 HAS WATER IN IT, IF THE MATERIAL IS HEATING UP,
IF
9 THE MATERIAL PRODUCES A FINISHED COMPOST, I SHOW
10 MY LEA TWO SAMPLES OF COMPOST. ONE WAS THAT I
HAD
11 ON SITE AS A MULCH MATERIAL THAT STAYED OVER
THERE
12 OVER WINTER, ONE THAT WAS MANAGED, AND HE COULD
13 NOT TELL THE DIFFERENCE BETWEEN THE TWO PRODUCTS.

14 AND I HAVE FEAR THAT, YOU KNOW,
SOME
15 PEOPLE CAN COMPOST BY NEGLECT, AND I DO NOT CALL
16 THAT INADVERTENTLY MATERIAL ON SITE. AND I FIND
17 THAT A PROBLEM WITH A LEVEL PLAYING FIELD IN THE
18 FIELD FOR THE COMPOSTERS, UNFAIR TREATMENT.

19 I ALSO AGREE WITH LINDA, THAT GIVEN

20 THE FACT SOME CHANGES THAT CAME UP, THAT WE
SHOULD

21 GO FOR ANOTHER 15-DAY HEARING PERIOD. ANY
22 QUESTIONS?

23 CHAIRMAN FRAZEE: LET'S SEE. YOUR FIRST

24 POINT WAS ON THE EXCLUSION --

25 MR. BAKX: OF THE VERMICOMPOSTING.

1 CHAIRMAN FRAZEE: NO. WAS THAT YOUR
2 FIRST ONE?

3 MR. BAKX: I THINK SO.

4 MEMBER JONES: FIRST ONE WAS ON IF IT'S
5 ACTIVITY AT A PERMITTED SITE, WASN'T IT? WASN'T
6 THAT YOUR FIRST ONE?

7 MR. BAKX: IF IT IS ON A PERMITTED SITE,
8 THAT WE DO NOT FALL UNDER STORAGE. AND IT'S
9 MENTIONED UNDER THE STORAGE CHAPTER OUT THERE, BUT
10 IT'S NOT MENTIONED ON THE EXCLUSION, IF I'M NOT
11 MISTAKEN.

12 MR. BLOCK: SECTION 17855, IT'S PAGE 66
13 OF YOUR PACKET, WHICH IS THE EXCLUDED ACTIVITY
14 SECTION, THAT IS THE EXCLUSION FROM THE OPERATION
15 OF THE COMPOSTING REGS, PERIOD, THE ENTIRE
16 CHAPTER. AND THAT'S WHY YOU DON'T HAVE AN
17 EXCLUSION FOR ALREADY PERMITTED SITES IN THERE
18 BECAUSE AT THIS POINT WE WOULD REQUIRE IF A
19 LANDFILL WANTED TO ALSO START A COMPOSTING
20 OPERATION, THAT WOULD NEED TO MEET THE
APPROPRIATE

21 REQUIREMENTS IN THE COMPOST REGULATIONS.

22 WE HAVE HAD SITUATIONS WHERE
THEY

23 HAVE EITHER ADDED THAT TO THEIR EXISTING
PERMIT OR

24 GOTTEN A SEPARATE PERMIT. SO THE EXCLUSION
25 APPEARS IN THE CHIPPING AND GRINDING AND
STORAGE

1 SECTIONS BECAUSE THAT'S THE NEW SECTIONS THAT
2 THERE ARE REQUIREMENTS BEING ADDED AND THEY'RE
3 BEING EXCLUDED FROM THAT.

4 AGAIN, REMEMBER THAT THE PURPOSE OF
5 THESE REGULATIONS WAS TO PROVIDE SOME STANDARDS
6 FOR OPERATIONS THAT WERE NOT OTHERWISE BEING
7 REGULATED. AND THE EXAMPLE YOU GAVE, THE EXISTING
8 OPERATION THAT IS EITHER SUBJECT TO THE COMPOST
9 REGULATIONS OR THEY HAVE IT AS PART OF THEIR
10 FACILITY PERMIT, THEY ARE SUBJECT TO STANDARDS.
11 SO THAT'S WHY YOU DON'T HAVE THAT EXCLUSION IN
12 BOTH PLACES.

13 MR. BAKX: SO I CAN WALK OUT THE DOOR AND
14 BE ASSURED THAT SINCE I HAVE A PERMIT, THAT I WILL
15 NOT BE HELD TO THE STORAGE?

16 MR. BLOCK: AND YOUR PERMIT INCLUDES THE
17 COMPOSTING?

18 MR. BAKX: YES.

19 MR. BLOCK: THAT'S CORRECT.

20 MEMBER JONES: AND IT WOULD HAVE STORAGE
21 LIMITATIONS WITHIN THAT --

22 MR. BLOCK: IT WOULD BE --

23 MEMBER JONES: AS THE ORIGINAL PERMIT.

24 MR. BLOCK: THAT'S CORRECT.

25 MR. BAKX: OKAY. THANK YOU.

1 CHAIRMAN FRAZEE: THAT SORT OF BEGS THE
2 POINT HERE, THEN, THAT ON OUR EARLIER ONGOING
3 DISCUSSION ABOUT STORAGE AND THE CURRENT
4 DEFINITION AS TO WHETHER THAT HOLDS THOSE TWO
5 ACTIVITIES TO THE SAME STANDARD. TWO SIMILAR
6 ACTIVITIES. SO WE'RE GOING TO WORK ON THAT ONE, I
7 GUESS, BEFORE WE GET THROUGH. OKAY. THANK YOU.
8 EVAN EDGAR.

9 MR. EDGAR: GOOD AFTERNOON, CHAIRMAN AND
10 COMMITTEE MEMBERS. EVAN EDGAR ON BEHALF OF
11 CALIFORNIA REFUSE REMOVAL COUNCIL, REPRESENTING 15
12 PERMITTED COMPOST FACILITIES IN CALIFORNIA. CRRC
13 HAS BEEN A LONG-TERM SUPPORTER OF THESE
14 REGULATIONS. WE'VE BEEN IN FRONT OF THIS BOARD
15 MANY TIMES SPEAKING ABOUT THE NEED FOR THESE
16 REGULATIONS. SO I'M GLAD THAT WE'RE HERE TODAY.
17 I'M GLAD THAT WE HAD THE EMERGENCY REGULATIONS
18 THAT WERE EFFECTIVE BACK IN APRIL 1997. THESE
19 HAVE BEEN ON THE BOOKS FOR A WHILE.

20 A LOT OF PEOPLE DON'T UNDERSTAND
21 THAT THESE ARE EFFECTIVE. THEY FEEL SOMEHOW
22 BECAUSE THEY'RE NOT FORMAL YET, THEY DON'T HAVE TO
23 ENFORCE THEM. SO AS WE ENTER THE FORMAL
24 REGULATORY PACKAGE, I THINK WE NEED SOME FORMAL
25 ENFORCEMENT OF THESE REGULATIONS.

1 ONE THING THAT WAS BROUGHT UP DURING
2 THE WORKSHOP ON OPERATING TRAINING WITH THE
3 LEA'S -- I WAS AT THE RICHMOND WORKSHOP -- WAS A
4 LOT OF THE LEA'S WERE SOMEWHAT CONFUSED ABOUT WHAT
5 EXACT PROCESS WE'RE IN RIGHT NOW BECAUSE WE HAVE
6 THESE EMERGENCY REGS ON THE BOOKS, WE'RE REVISING
7 THEM AND FINE-TUNING THEM, LIKE WE NEED TO DO TO
8 MAKE THEM FORMAL, AND THEN WE'RE KICKING OFF A
9 WHOLE NEW PROGRAM TO -- OVER THE NEXT YEAR. BUT
10 ONE THING THEY NEED TO REALIZE IS THAT WE DO HAVE
11 EMERGENCY REGULATIONS IN EFFECT. AND IF THESE GO
12 OUT FOR ANOTHER 15-DAY REVIEW, WE STILL HAVE THE
13 SAME EMERGENCY REGULATIONS IN EFFECT.

14 I WAS WORKING TO TRY TO GET SOME
15 TYPE OF LEA ADVISORY OUT TO THE EMERGENCY
16 REGULATIONS SO ALL THESE LEA'S STATEWIDE KNOW THAT
17 THESE ARE EFFECTIVE AND THEY DON'T HAVE EXCUSES
18 DOWN IN SAN JOAQUIN OR OTHER PLACES THAT THEY
19 DIDN'T KNOW ABOUT THESE ISSUES. AND I THINK
20 THAT'S BEEN RATHER EVIDENT. THE WASTE BOARD HAS
21 HIGHLIGHTED THESE ISSUES FOR THE LAST TWO MONTHS.
22 I BELIEVE THAT EQUAL ENFORCEMENT AND FORMAL
23 ENFORCEMENT ARE NEEDED EVEN FOR THE EMERGENCY
24 REGULATIONS.

25 MEMBER RELIS: JUST ON THAT POINT, IF I

1 MIGHT, MR. CHAIR, COULD I ASK MS. RICE. I THOUGHT
2 WE ISSUED --

3 MS. RICE: WE ISSUED A WHAT WE CALLED A
4 DRAFT ADVISORY. WE TERMED IT DRAFT BECAUSE THIS
5 RULEMAKING WAS GOING ON, BUT WE INDICATED IN THAT
6 ADVISORY, DRAFT OR OTHERWISE, THAT THE EMERGENCY
7 REGULATIONS WERE IN FULL FORCE AND EFFECT UPON
8 THEIR ADOPTION AND FILING WITH OAL. AND THAT
9 INFORMATION WAS PROVIDED TO EVERY LEA IN THE
10 STATE.

11 THERE HAVE CERTAINLY, I AGREE, BEEN
12 QUESTIONS ABOUT, AND, YOU KNOW, SOME WERE RAISED
13 AGAIN TODAY, ABOUT ARE THE REGULATIONS
14 ENFORCEABLE? WHAT DOES THAT MEAN? WHAT ARE THE
15 ENFORCEMENT TOOLS? AS ALWAYS, YES, WE GOT
16 INFORMATION OUT ON IT, BUT IT WOULD APPEAR THERE
17 MAY BE A NEED FOR ADDITIONAL INFORMATION.

18 MR. EDGAR: THANKS, MS. RICE. A LOT OF
19 TIMES THOSE LEA ADVISORIES GO OUT TO THE INDUSTRY
20 AS WELL, AND I GUESS THAT ROUND DIDN'T MAKE IT TO
21 EXTERNAL AFFAIRS AND PROBABLY STAYED INTERNAL, SO
22 A LOT OF THE INDUSTRY FOLKS DIDN'T SEE THAT
23 BECAUSE WE USE LEA ADVISORIES ON THE EXTERNAL
24 SIDE, SO WE UNDERSTAND WHAT'S GOING ON IN THE LEA
25 WORLD AS WELL. SO IF YOU DO SEND THEM OUT, WE'D

1 LIKE TO HAVE THEM EXTERNAL AS WELL SO WE CAN MAKE
2 OUR LEA'S AWARE OF THEM SHOULD THEY NOT BE AWARE
3 OF THESE.

4 BUT WITH REGARDS TO THE ISSUE TODAY,
5 WE RECOGNIZE THESE EXPIRE WITHIN 120 DAYS, WHICH
6 WILL BE AUGUST 7TH, SO WE HOPE OAL WOULD GRANT
7 ANOTHER 120 DAYS IN ORDER TO KEEP THESE EFFECTIVE.
8 SO THAT'S SOMETHING WE NEED TO DO IN THE SHORT
9 TERM.

10 MR. BLOCK: BRIAN HAD MENTIONED EARLIER
11 THAT THESE WERE -- TECHNICALLY THE TERM IS YOU
12 ACTUALLY REFILE AND THEY'RE READOPTED, BUT WE
13 USUALLY REFER TO THIS AS AN EXTENSION, AND THEY'VE
14 BEEN EXTENDED NOW TILL DECEMBER 1ST.

15 MR. EDGAR: GREAT. THANK YOU. THAT'S
16 IMPORTANT.

17 THE FIRST ISSUE WAS BROUGHT UP ABOUT
18 HAVING A SOLID WASTE FACILITIES PERMIT, WHENEVER
19 WE HAVE A COMPOST FACILITY, WHETHER IT BE AT THE
20 LANDFILL UNDER STANDARDIZED PERMIT OR A TRANSFER
21 STATION, WE HAVE AN RCSI AND ANY STORAGE OF ANY
22 MATERIAL WITHIN OUR RCSI IS DEFINED. AND SOME
23 DAYS WE HOLD IT MORE THAN SEVEN DAYS, SOME DAYS
24 LESS THAN SEVEN DAYS. BUT WHAT IS IN THESE
25 STORAGE REGULATIONS ARE IF YOU HOLD IT LESS THAN

1 SEVEN DAYS, YOU'RE EXCLUDED.

2 I BELIEVE THE PEOPLE THAT I
3 REPRESENT, WE DO HAVE SOMETHING SPELLED OUT IN OUR
4 RCSI AND THAT WE DON'T FEEL UNEQUAL TREATMENT
5 BECAUSE OF THE FACT THAT WE DO HAVE AN RCSI AND A
6 STANDARDIZED COMPOST PERMIT OR REGISTRATION. SO
7 WE FEEL THAT ANY PUBLIC HEALTH AND SAFETY WITH
8 REGARDS TO THE STORAGE OF THAT MATERIAL IS ALREADY
9 HANDLED, AND WE JUST DON'T WANT TO GET ANOTHER
10 STORAGE PERMIT, BUT WE FEEL THAT WITHIN THE FULL
11 PERMIT OR THE TIERED PERMIT WE HAVE THAT PUBLIC
12 HEALTH AND SAFETY OF STORAGE ALREADY CONSIDERED.
13 SO WE DON'T FEEL IT'S DUPLICATIVE, BUT WE DON'T
14 FEEL IT'S INEQUITABLE EITHER.

15 I'M SURE THAT SOME PEOPLE WOULD LIKE
16 TO HOLD THEIR MATERIAL FOR LESS THAN SEVEN DAYS AT
17 COMPOST FACILITIES AND NOT HAVE IT COUNT; BUT I
18 THINK THAT WITHIN THE SPIRIT OF THE COMPOST REGS,
19 THE FEEDSTOCK IS PART OF THE OPERATIONAL AREA AND
20 THAT WE NEED TO CONSIDER THAT AS PART OF THE CUBIC
21 YARDS AND AS PART OF THE ENTIRE STORAGE WITHIN THE
22 OPERATIONAL AREA.

23 SO WE WOULD -- AS A CUMULATIVE
24 IMPACT, WE WOULD SUPPORT THE FACT THAT WE WOULD
25 HAVE STORAGE WITHIN THE FULL PERMIT OR THE TIERED

1 PERMIT AND NOT BE SUBJECT TO STORAGE REGS AS PART
2 OF THIS PACKAGE. THAT MAKE SENSE? I THINK THAT
3 COVERS THE INEQUITABLE -- WE DON'T FEEL IT'S
4 INEQUITABLE TO NOT HAVE THE SAME SEVEN DAYS
5 EXCLUSION.

6 WITH REGARDS MARKET PRODUCT, BROUGHT
7 A LOT OF ISSUES OUT AT -- BOTH AT THE WORKSHOP I
8 WENT TO LAST WEEK. ANOTHER 15 DAYS WOULD BE
9 HELPFUL, KNOWING THAT WE HAVE ANOTHER 120 DAYS
10 TILL DECEMBER 1ST. IT THINK IT WOULD BE WORTHY TO
11 HAVE THE MARKET PRODUCT DEFINITION CIRCULATED
12 AGAIN. A LOT OF PEOPLE WERE CONFUSED LAST WEEK,
13 AND TODAY WE HAVE SOME NEW LANGUAGE, SO IT WOULD
14 BE WORTH ANOTHER 15-DAY REVIEW.

15 CHAIRMAN FRAZEE: DO YOU HAVE ANY BETTER
16 IDEAS?

17 MR. EDGAR: NO. IN FACT, THE BIG ISSUE
18 WAS BROUGHT UP BY CHUCK WHITE. HE WAS THE PERSON
19 THAT WAS HAVING A LOT OF DIFFERENT IDEAS AND WAS
20 OF GREAT CONCERN. SO THAT QUESTION HAS BEEN ASKED
21 OF ME, AND I DON'T HAVE ANY OTHER IDEAS MYSELF, SO
22 I'VE BEEN WILLING TO RESPOND TO ANY NEW AND
23 EXCITING IDEAS. BUT I WAS SUPPORTIVE OF WHAT WE
24 HAD. READING TODAY'S LANGUAGE I LOOKED AT, I
25 THINK OUR INDUSTRY COULD WORK WITH IT UNDER THE

1 PEOPLE I'VE TALKED WITH, BUT I HAVEN'T GOT A FULL
2 RESPONSE YET AND IT'S LANGUAGE. WE HAVE A CURVE
3 BALL, SO IF WE TAKE ANOTHER 15 DAYS, WE COULD
4 SUPPORT THAT.

5 MY FINAL COMMENT IS I'D LIKE TO
6 SUPPORT ELLIOT BLOCK'S LANGUAGE. I THINK WHAT HE
7 FLASHED UP ON THE SCREEN WORKS TO HAVE CLARITY OF
8 ENFORCEMENT. I THINK A LOT OF PEOPLE NEED THAT,
9 AND THEN WE WOULD SUPPORT HIS LANGUAGE AS WELL.
10 THANK YOU.

11 CHAIRMAN FRAZEE: OKAY. THAT COMPLETES
12 ALL OF THE COMMENTERS.

13 MEMBER RELIS: MR. CHAIR, I'M PERSUADED
14 THAT, BASED ON THE TESTIMONY, THAT WE OUGHT TO
15 EXTEND IT 15 DAYS. I DON'T THINK WE HAVE A
16 DOWNSIDE TO DO THAT. I THINK OAL WILL GO ALONG
17 WITH THIS. AND IT WOULD GIVE US -- AND I LIKE
18 THE

19 SUGGESTION, THE OPTIONAL REVISION LANGUAGE BY
20 STAFF TO DEAL WITH THIS MARKET PROBLEM BECAUSE I
21 DON'T THINK WE CAN -- I CONTINUE TO BELIEVE WE
22 CAN'T DEAL WITH THAT IN THIS SET OF REGULATIONS.
23 WE REALLY NEED TO TAKE ON THE WHOLE ENCHILADA,
SO

TO SPEAK, OF MARKET, THE MARKET DEFINITION, AND

DO

24 THAT AS A THOROUGH JOB AND NOT TRY TO PATCH IT
25 HERE.

1 CHAIRMAN FRAZEE: SO YOU ARE SUGGESTING
2 THAT WE NOT TRY TO RECOMMEND ANYTHING IN THE WAY
3 OF A MARKET PRODUCT DEFINITION, BUT JUST LEAVE
4 THAT --

5 BOARD MEMBER RELIS: THAT'S CORRECT.

6 CHAIRMAN FRAZEE: -- OPEN FOR FURTHER
7 DISCUSSION?

8 MEMBER RELIS: THAT WOULD BE IN OUR --
9 LET'S SEE. WE WOULD DEFER THAT TO THE TIERED --

10 MS. RICE: THE ORGANICS PACKAGE. BUT YOU
11 ARE SUGGESTING THAT IN THE CURRENT RULEMAKING
12 UNDER DISCUSSION TODAY THAT THAT DEFINITION BE
13 REMOVED FROM THE REGULATIONS AS PER THE SUGGESTED
14 LANGUAGE.

15 MEMBER RELIS: THAT'S -- I'M GLAD YOU PUT
16 IT THAT WAY. THAT'S EXACTLY WHAT I'M SUGGESTING.

17 MEMBER JONES: AND THEN ARE YOU ALSO
18 SUGGESTING TO ADD THE LANGUAGE TO CLARIFY THE
19 ENFORCEMENT?

20 MEMBER RELIS: YES.

21 MEMBER JONES: I'LL SECOND THAT.

22 MEMBER RELIS: THAT WOULD BE MY
MOTION.

23 CHAIRMAN FRAZEE: THE MOTION THEN IS -

-

24 MEMBER RELIS: TO EXTEND THE 15-DAY

25 COMMENT PERIOD AND REFERENCE THE DELETION OF
THE

1 MARKET --

2 MS. RICE: IT'S ACTUALLY AN ADDITIONAL
3 COMMENT PERIOD, ISN'T IT, ELLIOT, AN ADDITIONAL
4 15.

5 MR. BLOCK: JUST AN ADDITIONAL.

6 MEMBER RELIS: AN ADDITIONAL 15-DAY,
7 DELETE THE MARKET REFERENCES, AND ADD ELLIOT'S
8 LANGUAGE UNDER 14 CCR 17862.(1)(C).

9 MEMBER JONES: THERE'S A C AND A B, I
10 THINK.

11 MEMBER RELIS: C AND D, THE SAME SECTION
12 ONLY D, AND THAT'S THE MOTION.

13 MEMBER JONES: I'LL SECOND IT.

14 CHAIRMAN FRAZEE: MOTION AND SECOND AND I
15 HOPE THAT IT'S WELL UNDERSTOOD. I WON'T TRY TO
16 RESTATE IT.

17 MR. LARIMORE: MAY I SAY SOMETHING. JUST
18 THAT INCLUDES ALL THE OPTIONAL LANGUAGE THAT
19 ELLIOT BLOCK PRESENTED.

20 MEMBER RELIS: YES. AS SUBMITTED.

21 CHAIRMAN FRAZEE: AND THE INTENT IN
22 STRIKING THE MARKET PRODUCT IS NOT A PERMANENT
23 STRIKING OF THAT.

24 MEMBER RELIS: IT'S TO DEAL WITH IT IN
25 THE ORGANICS PACKAGE WHEN I THINK IT'S MORE

1 APPROPRIATE TO HAVE ALL THE PARTIES, AND I THINK
2 THAT'S THE RIGHT DELIBERATIVE TIME TO DO IT.

3 MS. RICE: CORRECT. AND FOR THE BENEFIT
4 OF THE AUDIENCE AND BOARD MEMBERS, WE ARE HOPING
5 TO HAVE AT LEAST AN ITEM FRAMED WITHIN THE NEXT
6 COUPLE OF MONTHS THAT WOULD LAY OUT SOME OF THE
7 MAJOR ISSUES WE SEE FOR THAT RULEMAKING SO THAT WE
8 CAN GET EARLY DIRECTION FROM COMMITTEE MEMBERS IN
9 TERMS OF THE SCOPE OF THE RULEMAKING, WHAT YOU SEE
10 AS THE BIG ISSUES AND DO WE HAVE THEM ADEQUATELY
11 COVERED, SO WE'LL HOPE TO BE DOING THAT WITHIN THE
12 NEXT, I'LL SAY, TWO MONTHS.

13 CHAIRMAN FRAZEE: OKAY. LET'S CALL THE
14 ROLL ON THE MOTION THEN.

15 THE SECRETARY: BOARD MEMBER RELIS.

16 MEMBER RELIS: AYE.

17 THE SECRETARY: BOARD MEMBER JONES.

18 MEMBER JONES: AYE.

19 THE SECRETARY: CHAIRMAN FRAZEE.

20 CHAIRMAN PENNINGTON: AYE. MOTION IS
21 CARRIED. THAT ITEM IS COMPLETE AND WILL NOT GO TO
22 BOARD; IS THAT CORRECT?

23 MR. BLOCK: NO. ACTUALLY WE'RE GOING TO
24 SQUEEZE THE 15-DAY COMMENT IN BETWEEN --

25 CHAIRMAN FRAZEE: IN BETWEEN, SO IT WILL

1 GO TO THE BOARD.

2 MR. BLOCK: IT WILL KEEP US ON TRACK.

3 CHAIRMAN FRAZEE: NO, NOT ON CONSENT, BUT
4 TO THE BOARD. DID WE COMPLETE EVERYTHING?

5 MS. RICE: I BELIEVE WE DID.

6 CHAIRMAN FRAZEE: IT LOOKS LIKE IT. OPEN
7 DISCUSSION. IF THERE IS NOTHING, WE WILL STAND
8 ADJOURNED. THANK YOU, ONE AND ALL.

9

10 (END OF PROCEEDINGS AT 1:25 P.M.)

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